ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE-MINDED.

REPORT

OF THE

ROYAL COMMISSION

ON THE

CARE AND CONTROL OF THE FEEBLE-MINDED.

VOLUME VIII.

CBx-K 13

LONDON:
PRINTED FOR HIS MAJESTY'S STATIONERY OFFICE,
BY WYMAN AND SONS, LIMITED, 109, FETTER LANE, E.C.

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Royal Warrant.

EDWARD R. and I.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, to—

Our right trusty and entirely beloved Cousin Thomas Henry, Marquess of Bath, Chairman; and

Our trusty and well-beloved:—

William Patrick Byrne, Esquire, Companion of Our Most Honourable Order of the Bath, Principal Clerk in the Office of Our Secretary of State for the Home Department;

Charles Edward Henry Hobhouse, Esquire;

Frederick Needham, Esquire, Doctor of Medicine, one of the Commissioners in Lunacy;

Henry David Greene, Esquire, one of Our Counsel learned in the Law;

Charles Edward Heley Chadwyck-Healey, Esquire, one of Our Counsel learned in the Law;

Harold Nelson Burden, Clerk, Manager of Brentry and other Certified Inebriate Reformatories;

Willoughby Hyett Dickinson, Esquire, Chairman of the National Association for promoting the welfare of the Feeble-Minded;

Charles Stewart Loch, Esquire, Secretary to the Council of the London Charity Organization Society; and

Ellen Frances Pinsent. Greeting!

Whereas We have deemed it expedient that a Commission should forthwith issue to consider the existing methods of dealing with idiots and epileptics, and with imbecile, feeble-minded, or defective persons not certified under the Lunacy Laws; and in view of the hardship or danger resulting to such persons and the community from insufficient provision for their care, training, and control, to report as to the amendments in the law or other measures which should be adopted in the matter, due regard being had to the expense involved in any such proposals and to the best means of securing economy therein;

Now know ye, that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these presents authorize and appoint, you, the said Thomas Henry, Marquess of Bath; William Patrick Byrne; Charles Edward Henry Hobhouse;

Frederick Needham; Henry David Greene; Charles Edward Heley Chadwyck-Healey; Harold Nelson Burden; Willoughby Hyett Dickinson; Charles Stewart Loch; and Ellen Frances Pinsent to be Our Commissioners for the purposes of the said inquiry.

And for the better effecting the purposes of this Our Commission, We do by these presents give and grant unto you, or any three or more of you, full power to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission; and also to call for, have access to, and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever.

And We do by these presents authorize and empower you, or any of you, to visit and personally inspect such places as you may deem it expedient so to inspect for the more effectual carrying out of the purposes aforesaid.

And We do by these presents will and ordain that this Our Commission shall continue in full force and virtue, and that you Our said Commissioners, or any three or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

And We do further ordain that you, or any three or more of you, have liberty to report your proceedings under this Our Commission from time to time if you shall judge it expedient so to do.

And Our further will and pleasure is that you do, with as little delay as possible, report to Us under your hands and seals, or under the hands and seals of any three or more of you, your opinion upon the matters herein submitted for your consideration.

Given at Our Court at *St. James's*, the ninth day of *September*, one thousand nine hundred and four, in the fourth year of Our Reign.

By His Majesty's Command,

A. AKERS-DOUGLAS.

Royal Warrant.

EDWARD R. and I.

Horatio Bryan Donkin, Esquire, M.D., F.R.C.P.,
To be a member of the Royal Commission to consider the existing methods of dealing with idiots and epileptics, and with imbecile, feeble-minded, or defective persons.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, To our Trusty and Well-beloved Horatio Bryan Donkin, Esquire, Doctor of Medicine, one of the Commissioners under the provisions of the Prisons Act, 1877. Greeting!

Whereas by Warrant under our Royal Sign Manual bearing date the Ninth day of September One Thousand Nine Hundred and Four, We were pleased to appoint Commissioners to consider the existing methods of dealing with idiots and epileptics, and with imbecile, feeble-minded or defective persons.

Now Know ye, that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these presents authorize and appoint you the said Horatio Bryan Donkin, to be One of Our Commissioners for the purpose aforesaid, in addition to and together with the Commissioners whom We have already appointed.

Given at Our Court at *Balmoral* the Seventh day of *October*, one thousand nine hundred and four, in the Fourth Year of Our Reign.

By His Majesty's Command,

A. AKERS-DOUGLAS.

Royal Warrant.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, to Our right trusty and right well-beloved Cousin Jacob, Earl of Radnor. Greeting!

Whereas the Office of Chairman of the Royal Commission on the Care and Control of the Feeble-Minded is now vacant by the resignation of our right trusty and entirely beloved cousin, Thomas Henry, Marquess of Bath.

Now know ye, that We, reposing great trust and confidence in your real discretion and ability, have authorized and appointed, and do by these presents authorize and appoint you, the said Jacob, Earl of Radnor, to be Chairman of the said Commission in the room of the said Thomas Henry, Marquess of Bath, resigned.

Given at Our Court at *St. James's*, the twenty-fifth day of *February*, nineteen hundred and five, in the fifth year of Our Reign.

By His Majesty's Command,

A. Akers-Douglas.

Royal Warrant.

EDWARD R. and I.

James Craufurd Dunlop, Esq., M.D., F.R.C.P. (Edin.), to be a Member of the Royal Commission on the Care and Control of the Feeble-Minded.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, to Our trusty and well-beloved James Craufurd Dunlop, Esquire, Doctor of Medicine, Fellow of the Royal College of Physicians (Edinburgh), Superintendent of Statistics in the Office of the Registrar General for Scotland, Inspector under the Inebriates Acts, Assistant to the Medical Adviser to the Prison Commissioners for Scotland. Greeting!

Whereas by Warrants under Our Royal Sign Manual bearing date respectively the Ninth Day of September and the Seventh Day of October, 1904, and the Twenty-fifth Day of February, 1905, We were pleased to appoint Commissioners to consider the existing methods of dealing with idiots and epileptics and with imbecile feeble-minded or defective persons.

Now know ye, that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these presents authorize and appoint you, the said James Craufurd Dunlop, to be one of our Commissioners for the purpose aforesaid in addition to and together with the Commissioners whom we have already appointed.

Given at Our Court at *St. James's*, the sixth day of *March*, nineteen hundred and five, in the fifth year of Our Reign.

By His Majesty's Command,

A. Akers-Douglas.

Royal Warrant.

EDWARD R. and I.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, to—

Our right trusty and right well-beloved Cousin Jacob, Earl of Radnor; and

Our trusty and well-beloved:—

William Patrick Byrne, Esquire, Companion of Our Most Honourable Order of the Bath, Principal Clerk in the Office of Our Secretary of State for the Home Department;

Charles Edward Heley Chadwyck-Healey, Esquire, Companion of Our Most Honourable Order of the Bath, one of Our Counsel learned in the Law;

Charles Edward Henry Hobhouse, Esquire;

Frederick Needham, Esquire, Doctor of Medicine, one of the Commissioners in Lunacy;

Horatio Bryan Donkin, Esquire, Doctor of Medicine, one of the Commissioners under the provisions of the Prison Act, 1877;

James Craufurd Dunlop, Esquire, Doctor of Medicine, Fellow of the Royal College of Physicians (Edinburgh), Superintendent of Statistics in the Office of the Registrar-General for Scotland, Inspector under the Inebriates Acts, Assistant to the Medical Adviser to the Prison Commissioners for Scotland;

Henry David Greene, Esquire, one of Our Counsel learned in the Law;

Harold Nelson Burden, Clerk, Manager of Brentry and other Certified Inebriate Reformatories;

Willoughby Hyett Dickinson, Esquire, Chairman of the National Association for promoting the welfare of the Feeble-Minded;

Charles Stewart Loch, Esquire, Secretary to the Council of the London Charity Organization Society; and

Ellen Frances Pinsent. Greeting!

Whereas We did by Warrants under Our Royal Sign Manual, bearing date the ninth day of September and the seventh day of October, one thousand nine hundred and four, and the twenty-seventh day of February and the sixth day of March, one thousand nine hundred and five, authorise and appoint certain persons therein respectively named, or any three or more of them, to be Our Commissioners to consider the existing methods of dealing with idiots and epileptics, and with imbecile, feeble-minded, or defective persons not certified under the Lunacy Laws; and in view of the hardship or danger resulting to such persons and the community from insufficient provision for

their care, training, and control, to report as to the amendments in the law or other measures which should be adopted in the matter, due regard being had to the expense involved in any such proposals and to the best means of securing economy therein;

And Whereas We have deemed it expedient that the scope of the said Commission should be enlarged, and that the Commissioners appointed for the purposes aforesaid should also be authorised to enquire into the constitution, jurisdiction, and working of the Commission in Lunacy and other Lunacy Authorities in England and Wales, and into the expediency of amending the same or adopting some other system of supervising the care of lunatics and mental defectives; and to report as to any amendments in the law which should, in their opinion, be adopted:

Now know ye, that We, being advised that a new Commission should issue for this purpose, have revoked and determined, and do by these presents revoke and determine, the said several Warrants, and every matter and thing therein contained.

And We do by these presents nominate, constitute and appoint you the said Jacob, Earl of Radnor (Chairman); William Patrick Byrne; Charles Edward Heley Chadwyck-Healey; Charles Edward Henry Hobhouse; Frederick Needham; Horatio Bryan Donkin; James Craufurd Dunlop; Henry David Greene; Harold Nelson Burden; Willoughby Hyett Dickinson; Charles Stewart Loch; and Ellen Frances Pinsent to be Our Commissioners to consider the existing methods of dealing with idiots and epileptics, and with imbecile, feeble-minded or defective persons not certified under the Lunacy Laws; and in view of the hardship or danger resulting to such persons and the community from insufficient provision for their care, training and control, to report as to the amendments in the law or other measures which should be adopted in the matter, due regard being had to the expense involved in any such proposals and to the best means of securing economy therein; and also to enquire into the constitution, jurisdiction, and working of the Commission in Lunacy and of other Lunacy Authorities in England and Wales, and into the expediency of amending the same or adopting some other system of supervising the care of lunatics and mental defectives; and to report as to any amendments in the law which should, in their opinion, be adopted.

And for the better effecting of this Our Commission, We do by these presents give and grant unto you, or any three or more of you, full power to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission; and also to call for, have access to, and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever.

And We do by these presents authorize and empower you, or any of you, to visit and personally inspect such places as you may deem it expedient so to inspect for the more effectual carrying out of the purposes aforesaid.

And We do by these presents will and ordain that this Our Commission shall continue in full force and virtue, and that you Our said Commissioners, or any three or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

And We do further ordain that you, or any three or more of you, have liberty to report your proceedings under this Our Commission from time to time if you shall judge it expedient so to do.

And Our further will and pleasure is that you do, with as little delay as possible, report to Us under your hands and seals, or under the hands and seals of any three or more of you, your opinion upon the matters herein submitted for your consideration.

And for the purpose of aiding you in your enquiries We hereby appoint Our trusty and well-beloved Hartley Brinkley Newton Mothersole, Esquire, Barrister-at-Law, to be Secretary to this our Commission.

Given at Our Court at *St. James's*, the second day of *November*, one thousand nine hundred and six, in the sixth year of Our Reign.

By His Majesty's Command,

H. J. GLADSTONE.

REPORT.

To the King's most Excellent Majesty.

MAY IT PLEASE YOUR MAJESTY,

We, the undersigned Commissioners, appointed

"to consider the existing methods of dealing with idiots and epileptics, "and with imbecile, feeble-minded or defective persons not certified "under the Lunacy Laws; and in view of the hardship or danger "resulting to such persons and the community from insufficient "provision for their care, training and control, to report as to the "amendments in the law or other measures which should be adopted "in the matter, due regard being had to the expense involved in "any such proposals and to the best means of securing economy therein";

and also

"to enquire into the constitution, jurisdiction and working of the "Commission in Lunacy and of other Lunacy Authorities in England "and Wales, and into the expediency of amending the same or adopting "some other system of supervising the care of lunatics and mental "defectives; and to report as to any amendments in the law which "should, in our opinion, be adopted,"

have the honour to submit to your Majesty our Report.

1. The original Royal Warrant under which we were appointed, and which was dated September 9th, 1904, instructed us

Terms of the original reference.

"to consider the existing methods of dealing with idiots and epileptics, "and with imbecile, feeble-minded or defective persons not certified "under the Lunacy Laws; and in view of the hardship or danger "resulting to such persons and the community from insufficient provision "for their care, training and control, to report as to the amendments "in the law or other measures which should be adopted in the matter, "due regard being had to the expense involved in any such proposals "and to the best means of securing economy therein."

According to our interpretation of this reference it became our duty to consider the existing methods of dealing with the following classes of persons, viz.:—

(i.) Idiots, whether certified or uncertified under the Lunacy Acts or the Idiots Act.

(ii.) Epileptics, whether certified or uncertified under the Lunacy Acts or the Idiots Act.

(iii.) Imbecile, feeble-minded or defective persons not certified under the Lunacy Acts.

2. Our original reference was extended by Royal Warrant, dated November 2nd, 1906. It authorised us

Terms of the extended reference.

"to enquire into the constitution, jurisdiction and working of the "Commission in Lunacy and of other Lunacy Authorities in England "and Wales, and into the expediency of amending the same or "adopting some other system of supervising the care of lunatics and "mental defectives; and to report as to any amendments in the law which "should, in our opinion, be adopted."

According to our interpretation of the new reference, it became our duty to enquire into the constitution, jurisdiction and working of the Central Lunacy Authorities in England and Wales, viz. :—

(i.) The Lunacy Commission.

(ii.) The Judge and Masters in Lunacy, and

(iii.) The Lord Chancellor's Visitors in Lunacy.

Evidence heard by the Commission.

3. We commenced hearing evidence on November 14th, 1904, and our sittings have been open both to the Press and the public.

We have had evidence from representatives of all classes of persons who could give information on the subject of our enquiry, and have examined 248 witnesses. The taking of evidence and its consideration occupied 68 days, in addition to the time expended in visiting Institutions and in preparing the Report.

Our original reference covered the United Kingdom of Great Britain and Ireland. Under it, we heard 162 witnesses from England and Wales, twenty-seven witnesses from Scotland, and twelve witnesses from Ireland.

Some Scottish and Irish witnesses were heard by the Commission in London, and others at special sittings in Edinburgh and Dublin respectively.

Our extended reference only related to England and Wales, and on this we heard forty-seven witnesses.

Evidence given before previous Royal Commissions and Committees, etc., considered.

4. We have considered the evidence given before previous Royal Commissions and Committees touching the subject of our reference as a whole, and the recommendations made by them, and we have also obtained, through the Foreign Office and Colonial Office, full particulars of the manner in which foreign countries and the colonies are dealing with the questions submitted to us in our original reference.

Personal investigations by the Commissioners. Vol. VII.

5. Five of the members of the Commission visited the United States of America in October, 1905, and their Report is issued in a separate volume.

In addition, various members of the Commission have, from time to time, visited numerous institutions in which provision is made for the classes of persons named in our reference, in England and Wales, Scotland and Ireland and on the Continent.

Appointment of Honorary Assistant Commissioners for Ireland.

6. In connection with our investigations in Ireland, the Secretary of State for the Home Department, at the request of our Chairman, and with the assent of the Lords' Commissioners of His Majesty's Treasury, on July 17th, 1906, appointed Sir George Plunkett O'Farrell, M.D., Inspector of Lunatics in Ireland, and Mr. Joseph Mooney, J.P., to be Honorary Assistant Commissioners.

Appointment of Medical Investigators.

7. Almost at the outset of our enquiry, we found that there were no available statistics from which any trustworthy estimate could be made as to the number of persons who might be said to fall within one or other of the categories named in our reference. We decided, therefore, that an expert investigation of the question was indispensable, and having obtained the authority of the Treasury for the expenditure, which was necessarily considerable, we appointed medical investigators to make a thorough inquiry in regard to the number of mentally defective persons (including "epileptics") in sixteen separate typical districts, both urban and rural, in England and Wales, Scotland and Ireland, in the hope that from the particulars thus ascertained we might be able to form at least a rough estimate of the whole number, and of the provision that it would be necessary to make for their proper treatment.

INTRODUCTION.

Scope of the introduction.

8. We have "to consider the existing methods of dealing with idiots and epileptics and with imbecile, feeble-minded or defective persons not certified under the Lunacy laws," and we have to enquire into the expediency of amending "the constitution, jurisdiction and working of the Commission in Lunacy and of other Lunacy authorities in England and Wales, or adopting some other system of supervising the care of lunatics and mental defectives." In the course of investigating the problem which these words define, we have received evidence and suggestions from many quarters, and it is now our duty to endeavour to formulate what we hope may prove to be a consistent and practical scheme for solving it.

In this introduction, we propose to discuss shortly one or two preliminary questions, and to state, in outline, the plan of our Report and the general conclusions at which we have arrived.

The gravity of the present state of the mentally defective.

9. Of the gravity of the present state of things, there is no doubt. The mass of facts that we have collected, the statements of our witnesses, and our own personal visits and investigations compel the conclusion that there are numbers of mentally defective persons whose training is neglected, over whom no sufficient control is exercised, and whose wayward and irresponsible lives are productive of crime and misery, of much injury and mischief to themselves and to others, and of much continuous expenditure wasteful to the community and to individual families.

We find a local and "permissive" system of public education which is available, here and there, for a limited section of mentally defective children, and which, even if it be useful during the years of training, is supplemented by no subsequent supervision and control, and is in consequence often misdirected and unserviceable. We find large numbers of persons who are committed to prisons for repeated offences, which, being the manifestations of a permanent defect of mind, there is no hope of repressing, much less of stopping, by short punitive sentences. We find lunatic asylums crowded with patients who do not require the careful hospital treatment that well-equipped asylums now afford, and who might be treated in many other ways more economically, and as efficiently. We find, also, at large in the population many mentally defective persons, adults, young persons, and children, who are, some in one way, some in another, incapable of self-control, and who are therefore exposed to constant moral danger themselves, and become the source of lasting injury to the community.

The reports of the Medical Investigators.

10. This point may be illustrated by a reference to the reports of the Medical Investigators, whom we appointed to investigate some typical districts and to ascertain the extent and nature of the mental defect prevailing in them. They were instructed to examine certain groups of persons:—

- Group A (Children in Public Elementary Schools).
- Group B (Children and Adults in Poor Law Institutions).
- Group C (Children and Adults in Receipt of Outdoor Relief).
- Group D (Persons known to Sanitary Authorities).
- Group E (Persons relieved by Medical Charities).
- Group F (Persons known to General Practitioners).
- Group G (Children and Adults in various Charitable Institutions and Common Lodging Houses, Training Homes, and Reformatories and Industrial Schools).
- Group H (Persons to be heard of from other sources).
- Group I (Known to the Police).
- Group J (Idiots of the District in Idiot Asylums).
- Group K (Inmates of Prisons).
- Group L (Inmates of Inebriate Homes).

The reports of the Medical Investigators—*contd.*

Thus, in these districts, they made a census of various classes of mental defect, uncertified insane persons, idiots, imbeciles and "other feeble-minded," "defective" children and epileptics, in connection with the different institutions and authorities which ordinarily deal with them, institutions of the Poor Law schools, prisons, asylums and homes; and they noted also a large number who were living with their families or independently, under a great variety of conditions, altogether apart from the institutional establishments of the country.

We will take four of the reports of the Investigators, namely, those which relate to the crowded urban districts of Manchester, Chorlton and Prestwich, and to the less populous and chiefly rural unions selected for investigation in Somersetshire, Wiltshire and Nottingham, and we will refer especially to Group H., "other sources." In large towns there are usually many public and private institutions, and to these the mentally defective gravitate. In the country, apart from the workhouses and the county asylums, there are few institutions, and, relatively, a large number of mentally defective persons are to be found in the general population. On the other hand, in a town, there is such a constant movement of the population that those who at one time are known and cared for as mentally defective may quickly pass unrecognised to some other city or quarter.

Manchester, Chorlton and Prestwich, Vol. VI., p. 163.

11. Of a series of 500 cases of mentally defective children noted at Manchester some seven or eight years ago, Dr. Melland reports that the great majority have now been completely lost sight of. Of the rest, most have been found to be of the slighter degrees of defect, able to earn their living at home and fairly well looked after and controlled. "I feel quite sure that there are a large number of such slight cases absolutely undiscoverable so long as they are fairly effectively looked after by responsible parents and guardians." Hence, he concludes, that the number of which he makes a return in this class, under the heading "other sources," viz., 232, "falls far short of the total number which are actually present in the population."

Vol. VI., p. 6. (7).

In the Manchester district this class—"other sources"—contains mentally defective persons of every kind except senile dements. One section of it, the feeble-minded, may be taken as illustrative. The feeble-minded, according to the definition submitted to us by the Royal College of Physicians, are "persons who are capable of earning a living under favourable circumstances, but are incapable from mental defect existing from birth or from an early age (*a*) of competing on equal terms with their normal fellows; or (*b*) of managing themselves and their affairs with ordinary prudence." Of these, there were found, in this group, in the Manchester district 145; and of them, "twenty-four are in urgent need of provision. A further twenty-six should be cared for, though there is no great urgency. Of the remainder, thirty-six are working more or less regularly, and able to earn something towards their own support, and have more or less satisfactory home surroundings. The rest, fifty-nine in number, are not working, but are sufficiently well looked after at the moment, though one feels that at any time changes in their environment may make further provision for them urgently necessary. Some of them are able to give a little assistance in housework, and others of them are mothers of families, which they have reared with more or less success, mainly less. Many of them are made the pet of the family, being humoured and spoilt in every way by the other members."

Vol. VI., p. 164. & 165.

Somersetshire Unions, Vol. VI., p. 227.

12. In the Somersetshire Unions Dr. Tredgold found, from "other sources," 273 persons of all classes of defect, except certified lunatics and senile dements, among the general population.

One or two of these classes may be noted. "Out of the twelve idiots," he writes, "four are the children of fairly well-to-do parents, able to provide them with the necessary attention, and who would be very reluctant to part with them. In the remaining eight cases, I do not consider the present conditions to be at all satisfactory: several of these parents told me they would be only too thankful to get their charge into a suitable institution, could they do so; but others absolutely refused to part with them." As characteristic of some cases of this class, three instances are cited, of which the following is one:—

Vol. VI., p. 228.

"An idiot boy, sixteen years old, who is a repulsive object, subject to frequent fits, dressed in a girl's coarse petticoat. He is very destructive, and will smash anything he can lay hands on, and is generally tied up to the leg of the table to keep him out of mischief. The father is a labourer; the small cottage in which they live is filthy, in an inconceivable muddle, and contains eight other smaller children. In this case, the guardians were willing to take the child into the workhouse, but the parents flatly refused."

An analysis of this "feeble-minded" section—144 cases—of which information was obtained "from other sources," showed that out of 144, thirty-three males and five females were at present satisfactorily provided for. Of the rest this is the account:— Somersetshire Unions—*contd.*

"Persons in need of Provision:

"(a) *On Account of Personal Habits or Propensities.*—The total number of these is fifty-four (twenty-four males, thirty females). In fourteen, the feeble-mindedness is complicated by epilepsy. Three have been in asylums with attacks of insanity, whilst several others are so unstable, as well as defective, that insanity may almost certainly be looked for. Three have been imprisoned, and several others show definite criminal tendencies, which will inevitably bring them within the arm of the law before long. In this class there are also several loafers, capable of useful work under firm supervision; six married women with families (one of eight children); and seventeen feeble-minded women who have given birth to illegitimate children.

"(b) *On Account of Unsatisfactory Nature of Present Environment.*—The total number of these is fifty-two (twenty-seven males, twenty-five females). Nine of these have been inmates of the workhouse on several previous occasions; they belong to that class who manage in fair weather to obtain a living by begging, hawking, or odd jobs, but are driven to the house by stress of weather. Under proper care, they would be able to earn the greater portion of their keep. Two of the cases in this group are boarded-out under conditions which are not at all satisfactory; the majority of the others are at present leading an idle, listless existence, partly supported by friends, and partly by would-be philanthropists. They are quite capable of useful work under proper conditions."

13. Again, under Group H., "other sources," in Nottinghamshire, Dr. Gill found 267 cases, or practically one-third of his total. In it were persons suffering from defect of all kinds, excepting, as before, "certified lunatics." Of the 105 who were feeble-minded, he returns twenty-eight as requiring more suitable supervision, thirty-nine as efficiently looked after, but who would be better able to earn a living, or part of a living, if they worked under better regulated conditions; while the remainder have independent means, or are working with relatives who look after them carefully. Of thirty-five imbeciles, whom he found in this group, eleven are not under proper control. Nottinghamshire Unions. Vol. VI., p. 281.

"One of these, a girl of eight, an uneducable imbecile, calls for mention. On account of her filthy habits she is quite unfit for school and she is unmanageable at home. Her conduct has constituted a public scandal for the last two years, into the details of which it is impossible to enter; but, until lately, no attempt has been made to have her put under proper control."[1]

14. In dealing with the different classes of the mentally defective in the general population in the selected Wiltshire unions, Dr. Pearse, writing of the imbeciles amongst them, says, though of a higher grade than the idiots, they are more capable of an independent existence, and, being often violent and excitable, more capable of mischief. The majority do no work, but wander aimlessly about the country-side. A few work in farms at a small wage, but they are quite incapable of anything beyond the simplest work, and that only under supervision. Of the male cases (thirty-five), only seven do any work which assists towards their livelihood. "Five of them are in receipt of relief; the remainder, the majority of whom are in poor circumstances, are dependent on their relatives, and when they can no longer maintain them, will become a burden on the public." "None of the female imbeciles (fifty-two) do any remunerative work: fourteen are in receipt of relief, some of the others are capable of doing a little housework, but cannot be relied upon for the simplest task. Three have given birth to children." Wiltshire Unions. Vol. VI., p. 262.

"Though there is no possibility of developing these imbeciles into satisfactory members of the community, their condition could be ameliorated and the danger to the public lessened were there some possibility of training them in discipline and in simple occupations. Their friends have often told me that they have endeavoured to train those under their care in manual work of various kinds, but have found it impossible. Such training cannot be done at home, but were there provision for treatment in an institution, though the low grade types would probably require permanent care, those of a higher type might have their faculties sufficiently developed to enable them to do simple work; to be less of a burden to the community and less a source of anxiety."

Wiltshire Unions—*contd.* Vol. VI., p. 262.

"Further, as there are so many of these cases under no kind of supervision, as a present measure all imbeciles should in my opinion be under inspection, and further methods should be devised of dealing with them in special wards of the workhouse or elsewhere, if occasion should demand, until some more satisfactory provision can be made."

Nottinghamshire. Vol. VI., p. 284.

15. Of this feeble-minded class in Nottinghamshire, Dr. Gill gives a similar account: "When one comes to the feeble-minded, what I have said gathers still greater force. One hundred and twenty of them are at present practically non-wage-earners, or what they earn comes so irregularly that they are practically earning nothing, but are dependent on the charity of their friends or the Lady Bountiful of the parish. They are the last to be taken on when work gets plentiful, and the first to be dismissed when it becomes slack. They are in a constant state of hand-to-mouth existence. I have talked it over with very many during the progress of my enquiry, and all agree that something in the way of organised work of a simple nature with intelligent and sympathetic oversight ought to be provided for them. Such a colony could probably be made largely, if not entirely, self-supporting."

The necessities of the case.

16. These extracts from the reports of the Medical Investigators are confirmed by much other evidence from both towns and rural districts. They indicate, we may repeat, evils of extreme gravity which require the speediest attention. They refer, as has been said, chiefly to feeble-minded persons connected with no institutions and living in the local conditions and surroundings in which they have been brought up. Many of them no doubt remain with their families and are kindly treated. But very many are untrained and uncared for. Leading irregular and purposeless lives, they become entirely undisciplined and fall into vice and crime. And, except so far as the special classes of the local education authorities may have, in a few places, met the need in some degree, there is no public organisation to train them according to their ability, and to control and supervise them, especially in the early years of life, when most can be done to aid them effectually.

This evidence suggests for our consideration as a main issue, how far it is possible to create a system by which these mentally defective persons could at an early age be brought into touch with some friendly authority, trained, and, as far as need be, supervised during their lives, in co-operation with their relations, when that is to their advantage, or, when it is desirable, detained and treated in some measure as the wards of the State. The evidence also suggests, that, as so many authorities are brought into contact with these persons,—the Poor Law, prisons, schools and the like,—in some way a settled plan of action should be established between the various agencies, so that some one supervising authority should see that they did not pass from one authority or institution to another, helped or detained a little at each, but permanently cared for by none. The reports of the medical investigators, indeed, raise in a few words some of the principal questions which we have to determine.

The number of mentally defective persons in England and Wales. Vol. VI., p. 52

17. With regard to the number of mentally defective persons, we may say that, if the figures of the census which we have made in the districts which have been investigated are applicable to England and Wales generally, there may be estimated to be in the whole population (32,527,843) 149,628 mentally defective persons or ·46 per cent., apart from certified lunatics. It may be estimated that of this total 66,509 or 44·45 per cent. require provision, that is, are estimated to be "at the present time urgently in need of provision, either: (1) in their own interest; or (2) for the public safety. It is recognised that there may be many others for whom the present accommodation is not ideal; these are not here included, but only such cases as are, in the opinion of the Investigator, improperly, unsuitably, or unkindly cared for, or who by reason of particular habits and characteristics are a source of danger to the community in which they live."

The total number of mentally defective persons, including certified lunatics, may be estimated to be 271,607 or ·83 per cent. of the population.

18. The words "mentally defective" are used in this Report to represent the whole group of cases that come within the scope of our investigation, whether at the present time they can or cannot be certified under the Lunacy and Idiots Acts. This group, "the mentally defective," divides itself into two classes. It consists, firstly, of those who from disorder of the mind, or through mental infirmity arising from age or from the decay of their faculties, have lost the power of managing themselves or their affairs. Secondly, it consists of those in whom the brain is in some degree undeveloped, and will remain undeveloped throughout life. Definition of "mentally defective." Recommendations III. and IV.

The former class consists of two sections. In the first of these are included, those who from disorder of the mind have lost the power of managing themselves or their affairs. To these, the name "lunatic" has hitherto been given by law and popular usage. Adopting a recognised alternative, we would substitute for that word the term "person of unsound mind." In the second of these sections come, those who through mental infirmity arising from age or from the decay of their faculties have lost the power of managing themselves or their affairs. To them, we would apply the term "mentally infirm." This is a term which is recognised in law, and, as both mental infirmity arising from age and that arising from the decay of faculties are included in it, it is more appropriate than the term "senile dement," which is very generally applied to this section. This whole class may be said to consist of persons who have at some time been normal in mind, but have become abnormal.

To the latter class, those in whom the brain is in some degree undeveloped and will remain undeveloped throughout life, such terms as idiot, imbecile, feeble-minded, moral imbecile have been generally and somewhat indiscriminately applied. These terms we have adopted, but we have endeavoured to give to them specific meanings, in order to facilitate the introduction of better and more discriminating methods of help and control in regard to those whom the terms represent.

Principles Adopted in Dealing with the Problem of the Mentally Defective.

19. Next, we would refer to the principles on which is based our suggested solution of the problem which has been submitted to us; and we would summarise the conclusions which we have adopted in the course of our Report. Principles adopted in dealing with the problem of the mentally defective.

(1) Our first principle is that persons who cannot take a part in the struggle of life owing to mental defect, whether they are described as lunatics or persons of unsound mind, idiots, imbeciles, feeble-minded or otherwise, should be afforded by the State such special protection as may be suited to their needs. Heretofore, lunatics, idiots and imbeciles have received the protection of the law. So also have persons who have property which is in the hands of the Court of Chancery, but who are not "found lunatic by inquisition," and persons who "through mental infirmity arising from disease or age are incapable of managing their affairs" or are "proved to be of unsound mind and incapable of managing their affairs." We propose that this principle of special protection should be extended to all mentally defective persons. This extension is new to English law. Chap. XXXVII.

(2) Our next principle is that the mental condition of these persons, and neither their poverty nor their crime, is the real ground of their claim for help from the State. It follows that their aid and supervision should be undertaken by some powerful local authority who can ensure that they will receive it from other quarters or, failing this, will provide it themselves. Hitherto a large number of adults, young persons, and children who cannot be certified under the Lunacy and Idiots Acts have been supported by public authorities as paupers, on the ground of destitution, or, as prisoners, on account of their crime, but they have not been dealt with primarily on the ground of their mental defect.

(3) Our third principle is that, if the mentally defective are to be properly considered and protected as such, it is necessary to ascertain who they are

PRINCIPLES ADOPTED IN DEALING WITH THE PROBLEM OF THE MENTALLY DEFECTIVE—*continued.*

Principles adopted in dealing with the problem of the Mentally Defective—*contd.*

and where they are, and to bring them into relation with the local authority. This should, we think, be done chiefly through the agency of the education authority and other public or quasi-public authorities without any undue invasion of the privacy of the family. This suggestion for ascertaining who are mentally defective is also new.

(4) Next we adopt the principle that the protection of the mentally defective person, whatever form it takes, should be continued so long as it is necessary for his good. This we consider desirable, not only in his interest, but also in the interest of the community. It follows that the State should have authority to segregate and to detain mentally defective persons under proper conditions and limitations, and on their behalf to compel the payment of contributions from relations who are able to pay for their support; or should itself provide such care and accommodation as may be necessary, either directly or through the local authority. This, subject to many variations and adjustments, is an extension to the whole class of the mentally defective of advantages now given to lunatics and idiots only.

(5) Further, in order to supervise local administration of this nature a central authority is indispensable. This will not only tend to produce efficiency, economy, and uniformity, but it will also provide safeguards for the proper care of the mentally defective person. Thus, the central authority, which we would propose to call the Board of Control, becomes ultimately the general guardian of his person and is responsible for ensuring that his liberty is not unnecessarily curtailed by the local authority. The adoption of this principle also, in the case of the mentally defective generally, represents an extension to a new class of advantages now granted only to lunatics and idiots.

(6) Our next principle is that in regard to the protection of property all mentally defective persons should have like privileges. The protection of property now afforded to lunatics, idiots and mentally infirm persons should therefore, we think, be extended to all mentally defective persons, and further, as this duty of protection in the case of these persons is akin to the duty of protection in the affairs of infants and wards, the same judicial authority should in our judgment be in charge of both the one and the other. We are of opinion, therefore, that all this administration should be in the hands of the Chancery Division of the High Court instead of partly in their hands and partly, in the case of lunatics and mentally infirm persons, in the hands of the Judge and Masters in Lunacy. This is a reversion to a practice in vogue before the creation of the Judge and Masters in Lunacy. The extension of these privileges to all mentally defective persons is new.

(7) Lastly, it is in our opinion essential that there should be the closest co-operation between judicial and administrative authorities, in this case the Chancery Division of the High Court and the central authority. There would practically be a division of labour between the Court and the central authority, the Board of Control. In the case of a person who has property and is alleged to be suffering from mental defect, the inquiry in Jury cases, or where an issue was directed in the High Court, would be by the King's Bench Division, but in other cases by a legal Commissioner of the Board of Control.

The manner in which we have applied these principles in the course of our Report is indicated in the following summary of its arguments and conclusions.

SUMMARY OF THE REPORT SHOWING BRIEFLY THE PROPOSED APPLICATION OF THE ABOVE PRINCIPLES.

Summary of the Report showing briefly the proposed application of the above principles.

20. In making this Report we have considered the position and needs of the mentally defective successively in relation to the several branches of administration with which they are chiefly brought into contact; and we have proceeded step by step in formulating the recommendations which we have made, as we have sifted and summarised the evidence which we have received in regard to each branch.

SUMMARY OF THE REPORT SHOWING BRIEFLY THE PROPOSED APPLICATION OF THE ABOVE PRINCIPLES—*continued.*

21. We have taken first the administration of Poor Law relief in town and country, apart from the Metropolis, and have come to the conclusion that intervention in the case of mentally defective persons should be based as we have said, on the principle that such persons are suffering from mental incapacity rather than on the principle that they require aid as poor and destitute, and we have concluded that the provision made on their behalf should be organised on that understanding. And as we have recognised the fact that mentally defective persons are found who are being dealt with by several central authorities and at many administrative centres, we have argued that for their sufficient treatment and supervision there should be one central authority, a "Board of Control," for the general protection and supervision of all mentally defective persons and for the regulation of the provision made for their accommodation, and maintenance, care, treatment, education, training and control. We have further proposed that the local authority which should co-operate with this central authority should be a Statutory Committee of the Council of the County or County Borough for the Care of the Mentally Defective that should take over the duties of the Visiting Committee of Asylums of the Council. Part of the duties of the Education Committee of the Council would also be transferred. Subject to the approval of the Board of Control this authority would have power to contract for the accommodation of mentally defective persons with any Poor Law or other public authority, public or voluntary agency or private person.

The Poor Law and the central and local authority. Part I. below.

Recommendations I. and V.

Recommendations XXVIII., XLII., LXXIV.

22. We have next dealt with the special conditions of the provision which has been made for the care and maintenance of the mentally defective in London, and have pointed out the necessity of establishing a united and self-consistent administration; and we have recommended that a Statutory Committee of the London County Council for the care of the mentally defective should be the Committee of administration for the Metropolis, and that the functions of the Metropolitan Asylums Board, so far as they refer to the mentally defective, should be transferred to this Committee.

The Metropolis. Part II. below, and Recommendation XCVI.

23. We have then discussed the education of the mentally defective in its chief bearings; and we have advocated a system of record and limited notification. We have also recommended that for the education and training of all mentally defective children the Board of Control, and the local authorities, represented by the Committees for the care of the mentally defective, should be responsible, subject to ample powers being given to these Committees to contract with the education authority for the supply of special schools and classes, or to take other suitable measures for their education. We have urged that the childhood and schooling of mentally defective children cannot rightly be treated apart from their after life, and that no age can be fixed in their case as separating school time from supervision and after-care. So far as it may be necessary, therefore, the supervision exercised over them by or on behalf of the local authority would be continuous; and both in the education and control of children it is proposed that many methods besides special classes or special homes should be adopted, such, for instance, as "colonies," family supervision and friendly guardianship and wardship till the age of twenty-one.

Education. Part III. below, and Recommendations I., LXXIV., LXXIX., LXXXI.

24. Passing to other administrative centres we have examined the state of the mentally defective who are in prisons, casual wards and common lodging houses, and we have considered much detailed evidence in regard to juvenile offenders and children in remand homes. We have shown how widespread and unanimous is the opinion that in many cases separation or detention is indispensable, if offences of certain kinds are not to be perpetually perpetrated by weak minded offenders, and perpetually punished without effect. We have recommended that feeble-minded juvenile offenders should be most carefully examined by medical officers and dealt with in various ways; and that the procedure for the commitment of feeble-minded prisoners, their treatment, and the arrangements for their discharge should be entirely reformed.

Prisons, casual wards, juvenile offenders, etc. Part IV. below, and Recommendations LXXXVII.–LXXXIX.

25. We have shown to how large an extent habitual inebriates are mentally defective, and we have recommended that the care and control of mentally defective inebriates should be placed in the hands of the Board of Control and of the local authorities which would hereafter be responsible for the care of mentally defective persons generally.

Habitual inebriates Part IV. below, and Recommendation XCI.

SUMMARY OF THE REPORT SHOWING BRIEFLY THE PROPOSED APPLICATION OF THE PRINCIPLES ADOPTED—*continued.*

Mental defect and criminal responsibility. Part IV. below.

26. We have discussed the question of criminal responsibility in relation to mental defect and the methods of judicial procedure which are now in force in regard to lunatics, habitual drunkards and inebriates; and we have argued that in the case of persons who are charged with offences and are alleged to be mentally defective the principle should be adopted of keeping the question of the committal of the alleged offence separate from questions of the alleged mental defect, the relative irresponsibility of the offender and his appropriate treatment when charged with crime or convicted.

Idiot asylums and voluntary homes for the feeble-minded. Part V. below. Recommendation LII.

27. The asylums for idiots and the voluntary homes for the mentally defective are next described by us, and we recommend that the procedure under the Idiots Act should be extended so that not only idiots who are under twenty-one years of age and whose parents or guardians desire to obtain for them admission to an idiot asylum, may be admitted on a single medical certificate, but also that feeble-minded persons, imbeciles, moral imbeciles, and such inebriates, epileptics, and blind or deaf and dumb persons as are mentally defective and less than twenty-one years of age may be admitted to suitable institutions in the same way. We have recommended also that the local authority should have power, subject to the approval of the Board of Control, "to contract with any Poor Law or other public authority, public or voluntary agency, or private person, under such conditions as they may deem advisable, for the care, education, training or maintenance of mentally defective persons, or of epileptics not mentally defective." Recommendation XLII.

Causation of mental defect, definition and number of mentally defective persons. Part VI. below.

28. Before considering in detail the formation of the proposed central authority, we have discussed shortly the causation of mental defect and the number and the definition of the class of persons for whom provision should be made or over whom supervision in some form is required. Under the general title of mentally defective persons, besides those who are already recognised as such legally, we have placed the other groups of persons who have not hitherto been recognised as such in law or have only been recognised partially. These groups include imbeciles, feeble-minded persons, moral imbeciles, and such inebriates, epileptics, deaf and dumb, and blind persons as are also mentally defective. For practical and administrative purposes we have defined each of these groups.

The Lunacy Commission. Part VII. below. Recommendation XLIV.

29. We have next considered the constitution and the work of the Lunacy Commission in England and Wales, and have compared it with the General Board of Lunacy in Scotland; and we have discussed the system now in force in England for the examination of plans, contracts and estimates for the construction of asylums, and we have made recommendations for complete financial control. We have shown that at the present time the work of the Lunacy Commission is altogether beyond its numerical strength; and we have made suggestions for modifications in the present system of visitation and discharge.

Various ways of providing for the mentally defective: intermediate hospitals, observation and reception wards, boarding-out, *etc.* Part VII. below. Recommendations XI.–XIII., XXII., LX.–LXIII.

30. To increase the resources at the disposal of local authorities for dealing with cases of mental defect and for reducing the pressure upon asylums we have recommended the erection of intermediate hospitals, the institution of large farm colonies as in America, the general establishment of observation and reception wards, and the use and notification of private homes for the treatment of "unconfirmed" cases. We have proposed also the adoption of family care and guardianship, either on the plan of the family colony in force on the continent or on the plan of "boarding-out" in force in Scotland, organised in connection with the local authorities for the care of the mentally defective and under the inspection of the central authority. In cases in which persons ordered to be detained have to be removed to some temporary place of reception, we have recommended that reception houses or reception wards be used instead of the workhouses. Recommendations LXIV.–LXVII. Recommendations LXXIV.–LXXVII.

SUMMARY OF THE REPORT SHOWING BRIEFLY THE PROPOSED APPLICATION OF THE PRINCIPLES ADOPTED.—*continued.*

Certification, etc.

31. With a view to a simplification of the system of certification and the promotion of uniformity, we have recommended various changes. At the request of the relatives or where no relatives are forthcoming, for the purposes of making an urgency order or of obtaining a reception order on petition, we would allow the Committee to authorise their medical officer or one of their medical officers to act on their behalf. We provide also for the appointment of certifying medical practitioners who, being specially acquainted with this branch of work, would be likely to act on uniform lines.

Recommendations LXVIII. to LXXI. XXXVI.

Wardship.

32. In order to ensure that there be continuous control in many cases in which, owing to the lack of any proper care or supervision, such a control could not otherwise be provided in a satisfactory manner, we recommend the introduction of a system of wardship, on the lines of the Poor Law Act of 1899, so that the Committees for the Care of the Mentally Defective may by resolution vest in themselves the rights and powers of the parent until the mentally defective young person reaches the age of twenty-one; and, after the age of twenty-one, we recommend further proposals for continuous care where it is necessary.

Part VII. below, and Recommendations XLIX.–LIV.

Guardianship of property.

33. The privileges in regard to the protection and management of property which were allowed to lunatics and to mentally infirm persons under the Lunacy Act of 1890 should, we recommend, be extended to all classes of mentally defective persons.

Recommendation X.

The Board of Control.

34. For the central administrative control of the work which we have now passed in review we have recommended that there be a Board of Control. This Board would be formed partly by a re-organisation, partly by an enlargement of the present Lunacy Commission. It would deal with the whole class of mental defectives and could not, therefore, be properly designated a Lunacy Commission. It would consist of a certain proportion of qualified medical men who had an expert knowledge of the various classes of mental defect, and a certain proportion of legal members; for under the proposed scheme, in cases in which inquisition without a jury has to be made, a legal member of the Commission, assisted, if necessary, by a medical member of the Commission as assessor would undertake it. Also, appointed for a term of years, there would be honorary Commissioners specially qualified to assist the Board; and there would be a paid Chairman. England and Wales would be divided into districts, and there would be at least eight Assistant District Commissioners.

Part VII. below, and Recommendations V.–IX.

Recommendation XIX.

Recommendations XV.–XVI.

The Judge and Masters in Lunacy and chancery visitors.

35. The offices of the Judge and Masters in Lunacy should, in our opinion, be merged in the Chancery Division of the High Court, and the duties of the Lord Chancellor's visitors would be included in the duties of the Commissioners of the Board of Control. By these several changes there would, we believe, be a very advantageous concentration of responsibility combined with a control that would extend over the whole administration for the care of the mentally defective.

Part VII. below, and Recommendations VII., XXIV., XXV

Finance and the apportionment of Grants.

36. All these changes and proposals we have also considered from the point of view of economical management. We have submitted a rough estimate of the expenditure that may be incurred and we have suggested the apportionment of State aid by block grants on the lines proposed to the Royal Commission on Local Taxation by Lord Balfour of Burleigh, Sir Edward Hamilton and Sir George Murray; or, as an alternative, by grants-in-aid to the extent of half the cost of maintenance and management to be made to local authorities on revised conditions. We have proposed also that building grants should be made to local authorities, as suggested by the Royal Commission on Local Taxation in the case of lunatics.

Part VIII. below and Recommendation XLI.

Epileptics.

37. Finally, after referring not only to the limited and experimental efforts which have been made in our country, but also to the information collected by our Commissioners who visited the United States of America, we have dealt in

Parts IX. and X. below.

Epileptics—*contd.*

Recommendation XC.

some detail with the needs of epileptics not mentally defective, and have recommended that the Board of Control be empowered to register, inspect and report on institutions or houses established for their care, and to regulate any institutions or houses in which accommodation may be provided partly for mentally defective persons and partly for epileptics not mentally defective, and that the committees for the care of the mentally defective be authorised to consider and deal with these cases, and to provide for them.

Utilisation and extension of existing agencies.

37a With regard to epileptics who are not mentally defective, we have given in Recommendation XC. a list of general recommendations relating to the mentally defective which we think should be applicable to these cases. We have also specifically referred to these cases in Preamble (1) and Recommendations XLI., XLII., LXXIII., XCII., XCIII. and XCVI.

Part XI. below.

38. Throughout, we should add, we have endeavoured to follow and to develop existing lines of administration, and to utilise and extend existing agencies, and though, no doubt, we have proposed some very large modifications and some far-reaching changes in certain directions, we have sought to revise and to extend methods of procedure already in operation rather than to initiate what is entirely new and to supplant what is relatively old. The series of recommendations in which our proposals are set out in detail conclude our Report as to England and Wales.

Scotland and Ireland. Parts XII. and XIII. below.

39. On Scotland and Ireland we have reported separately, in their case also concluding our statements with detailed recommendations.

Transitory Measures, Recommendations XXIV.—XXVII.

39a. As the suggestions for our new scheme may have to be considered in relation to the Poor Law and other matters which will involve delay, we have emphasised the importance of taking immediate steps to strengthen the present Lunacy Commission. We consider that in so far as it can be effected by the Lord Chancellor, acting under the various powers he now possesses, a reorganisation and enlargement of the present Lunacy Commission should be now made for the better administration of the Lunacy Laws. We think that the proposal in Paragraph 35 should, if possible, be carried out at once. If the Lunacy Department could be thus placed on a satisfactory footing, it would be easy, hereafter, to transform it into a Board of Control with the powers requisite for the Central Authority which we have recommended for the control of all mentally defective persons. The extended order of reference having imposed upon us the duty of investigating the functions and working of the Lunacy Commission and the Judge and Visitors in Lunacy, we are strongly of opinion that immediate reconstruction of the present system is urgently required, and that, as a preliminary step, even if it is only a temporary one, two additional Medical Commissioners should be appointed and the number of Honorary Commissioners should be filled up—the offices of the Chancery Visitors and the Lunacy Commissioners should be consolidated, and the work of the Judge in Lunacy should be performed, so far as possible, by the Judges of the Chancery Division.

PART I.

THE POOR LAW AND THE MENTALLY DEFECTIVE IN TOWN AND COUNTRY, APART FROM THE METROPOLIS.

CHAPTER I.

Forms of Poor Law Relief.

Uncertified mentally defective persons.

40. The Poor Law authorities deal with the greater number of "uncertified persons" who are mentally defective. Such persons are very often by reason of their infirmity in a state of destitution, and are unable to take proper care of themselves; and all uncertified persons, when through destitution they are in receipt or need of relief, in some way or other come under the jurisdiction of the Local Government Board. Also, to a limited degree, the branches of law with which the Local Government Board are concerned may have relation to some classes of uncertified persons, though they may not be in receipt of relief or in need of it.

Adrian, Vol. I., 5.

41. Thus, unless they are otherwise specified and dealt with, for instance, as prisoners or inebriates, all those mentally defective persons who are "not certified under the Lunacy Acts," are eligible for Poor Law relief if they are poor and destitute; and this relief may be given either in the form of indoor relief or in that of outdoor relief.

(i.) Indoor Relief and the Workhouse.

Definition of "workhouse."

42. For indoor relief there is the "workhouse," a term which in Poor Law administration has a very wide signification. It is "construed to include any house in which the poor of any parish or union shall be lodged and maintained, or any house or building purchased, erected, hired, or used at the expense of the poor rate by any parish . . . for the reception, employment, classification or relief of any poor person therein, at the expense of such parish. The place may therefore be a building in which inmates of all sorts, whether sick, healthy, of both sexes, of all ages, may be housed, or a building for the accommodation of inmates of a special class." And, in effect, "every board of guardians in England and Wales may provide for the housing in a separate building or in separate wards attached to an existing building of any uncertified persons (of the pauper class)" "who may require indoor relief."

Adrian, Vol. I., 7, 10.

Adrian, Vol. I., 15.

Combinations for indoor Relief in London.

43. Boards of guardians have also powers under which they may form combinations for the provision of indoor relief and their powers are in this matter different in the Metropolis and in the country. Thus in the Metropolis suitable inmates from the workhouse of one union may be admitted to the workhouse of another union "where, in the opinion of the Local Government Board, the workhouse is adapted only for the reception of poor persons of a particular class or particular classes." Also in the Metropolis the guardians, with the approval of the Local Government Board, "may set apart any ward or portion of their workhouse for the reception of particular classes or descriptions of poor persons and provide separate maintenance and treatment for them therein." In London, too, the County Council are required to grant to Metropolitan Unions an amount equal to fourpence a day per head for every indoor pauper reckoned according to the average number of indoor paupers maintained during the five financial years ending 25th March, 1888; and the classes of indoor paupers are defined as "all paupers maintained in a workhouse and all paupers maintained in any district school, separate school, separate infirmary, sick asylum, hospital for infectious diseases, or institution for the deaf, dumb, blind or idiots, or in any certified school under 25 and 26 Vict., c. 43, and includes any children boarded out. . ." And, further, there is, in London, the Metropolitan Common Poor Fund to which boards of guardians pay their *quota* for certain purposes according to the rateable value of their unions, so that on the distribution of the fund to the unions, the unions which have a lower rateable value receive relatively the larger grants, and the unions which have a higher rateable value receive relatively lesser grants, or in some cases no grant from the fund at all. From this fund, subject to certain conditions, grants are made at the rate of fivepence a day, for each pauper above the age of sixteen.

Adrian, Vol. I., 18.
Vol. I., p. 3.

Section 17, Metropolitan Poor Amendment Act, 1869.

Section 43, Local Government Act, 1888.

Metropolitan Common Poor Fund. Adrian, 19, 55.

Metropolitan Asylums Board. Metropolitan Poor Act, 1867. Adrian, Vol. I., 59, 60.

44. Consistently with these exceptional financial arrangements, the Metropolis under the Metropolitan Poor Act, 1867, has a special organisation, the Metropolitan Asylums Board, which enables it to provide asylums for the reception and relief of the sick, insane, or infirm, or other class or classes of the poor, chargeable in its unions and parishes, with greater completeness than any other group of Poor Law unions in the country. For this purpose the Poor Law unions of London are combined in one district, under managers partly elective, that is, partly elected by boards of guardians, and partly nominated, that is, nominated by the Local Government Board. Subject to the control of the Local Government Board, the managers have the powers of guardians for the relief, maintenance, and management of inmates, and for the control and payment of officers of the asylums; and the word "asylum" in this reference has a wide meaning, for it may include a ship, vessel, hut, tent, or any other erection. And such an asylum is available for any class of poor. Hence, to take an example, provided they are housed, for "housing is the primary aim of all combinations," the term "asylum" might include such an institution as a labour colony for sane pauper epileptics.

Adrian, Vol. I., 63.

Adrian, Vol. I., 39, 71.

45. In the Metropolis under these statutes institutions are provided for "children, who, by reason of defect of intellect, or physical infirmity, cannot properly be trained in association with children in ordinary schools"; and there are also institutions for adult paupers who are chronic and harmless lunatics, idiots, or imbeciles, such as might be lawfully retained in a workhouse.

Distinctive features of the London system of Indoor Relief in relation to the afflicted classes.

46. Apart, then, from any details as to the nature of the special institutions available for London in connection with the Metropolitan Asylums Board—for to these matters reference will be made later on—the following points are distinctive of London, and suggestive in relation to any general organisation that may be proposed for the country at large :—

(i.) In London there is a single board, consisting of members who are partly representative of boards of guardians and partly nominated, instituted in order to provide separate establishments for the reception and relief of the sick, insane, or infirm, *or other class or classes of the poor*, who are chargeable. Thus in London, on behalf of the unions in the Metropolitan area, separate provision is, or may be, made for all the uncertified classes, included in the reference to the Commission, if they are poor and chargeable.

(ii.) The cost of the maintenance of the indoor poor, including these classes, is largely or entirely met: (1) by grants of 4d. a day from the county as a whole; and (2) by grants of 5d. a day from the Metropolitan Common Poor Fund, that is, in effect, by grants from the richer unions of London to the poorer unions. Indoor relief thus becomes in part a county charge, in part a charge equalised according to the rateable value of the unions; and it is thus only, in a minor degree, a charge imposed on the individual union.

Shadwell, 1490, Vol. I., p. 82 c. 2. Downes, Vol. I., 1787–1788.

(iii.) In London, under these special financial conditions, there is a large supply of institutional accommodation for the housing and maintenance of the chargeable poor, which supplements that of the institutions managed by the several boards of guardians themselves; and this supply is increased from time to time to meet new or greater demands.

The provision of indoor relief outside London.

47. In the country, apart from the powers of the guardians of each union to provide for the housing of destitute "uncertified persons," there are no county organisations similar to the Metropolitan Asylums Board, nor is there any similar financial method for the maintenance of inmates.

Combinations of Unions. Adrian, Vol. I., 21, 36. Section 8, Poor Law Act, 1879.

48. In the country it is possible—as set out in par. 59 below—for the workhouse of a union to be used for the reception of idiotic, imbecile and insane paupers from another union, and special provision is made by law whereby two or more unions may, with the consent of the guardians, be combined for any purpose connected with the administration of the relief of the poor, if the Local Government Board make an order to that effect. The combination may be effected on the ground that "it would tend to diminish expense," or on the ground that "it would otherwise be of public or local advantage." The management of the institution created by the combination is placed in the hands of a joint committee.

49. In 1897 a combination between the Chorlton and Manchester Boards of Guardians was approved by the Local Government Board for the establishment of an institution for "imbecile paupers, and persons who may be insane or suffering from epilepsy and might be relieved in the workhouses of Poor Law Unions." And later (1906), the Birmingham, Aston, and King's Norton Boards combined to provide a joint workhouse for:— Combinations of Unions—*cont.* *See* Part X. below. *See* Pars. 177–188 below. Adrian, Vol. I., 22. Adrian, Vol. I.27.

(i) Epileptic persons who being chargeable to one of the combined unions have not been certified as lunatics; and (ii) Feeble-minded persons who being chargeable to one of the combined unions have not been certified as lunatics; and (*a*) who by reason of mental deficiency are incapable of receiving proper benefit from ordinary instruction, or are incapable of using ordinary means or precautions for protecting themselves from injury or improper usage or treatment, or are incapable of maintaining themselves by work; and (*b*) who are, in the opinion of a medical officer of a workhouse of any of the combined unions, suitable persons for treatment in the joint workhouse.

The Local Government Board have also issued an Order empowering the Croydon, Kingston, and Richmond Unions to combine to provide joint workhouses for these purposes, but we understand that no action has yet been taken on this Order. These are the only instances of combination brought to our knowledge. Downes, Vol. I. 1824.

50. It is obvious, therefore, that, though boards of guardians have large powers for forming combinations of unions in the country with a view to the provision of accommodation for mentally defective or epileptic persons, they have taken little advantage of these powers to establish joint institutions, and that there are in force in the country no financial arrangements, such as prevail in the Metropolis, which tend to promote the erection of institutions for special classes of uncertified persons who are chargeable to the poor rate.

(ii.) Outdoor Relief.

51. It remains for us to refer to outdoor relief. This is regulated by the Orders of the Local Government Board. All relief granted contrary to those Orders is by the Poor Law Amendment Act of 1834, made unlawful and subject to disallowance. By its Orders the Board declares "to what extent and for what period relief given to able-bodied persons or to their families . . . may be administered out of the workhouse by payments in money or with food or clothing in kind, or partly in kind and partly in money, and in what proportion, to what persons or class of persons, at what times and places, on what conditions and in what manner such outdoor relief may be afforded." Regulations as to Outdoor Relief. Adrian, Vol. I. 77, 80, 82, 83, Section 52, 4 and 5 Wm. IV. c. 76.

52. Under these powers in 1844 and 1852 two Orders were issued, one the Outdoor Relief Prohibitory Order, the other the Outdoor Relief Regulation Order. The principle on which these Orders are drafted is that indoor relief should be the rule and that outdoor relief should be the exception. Accordingly, in the former Order, relief outside the workhouse is prohibited unless in certain exceptional cases, and in the latter Order, while it is taken for granted that indoor relief is still to be the rule, a much greater latitude is allowed in regard to the exceptions. Most large towns come under the Regulation Order; the less populous unions come under the Prohibitory Order. Outdoor Relief Prohibitory Order (*21st December, 1844*). Outdoor Relief Regulation Order (*14th December, 1852*).

53. According to the rule laid down in the Prohibitory Order all able-bodied paupers must be relieved in the workhouse, but under the following amongst other conditions:— Section 1, Poor Relief Act, 1601. Adrian, 80, 82.

(i.) Where such able-bodied person shall require relief on account of . . . bodily or mental infirmity affecting the person or any of his or her family. In these cases a minute has to be made, or a medical certificate furnished by the medical officer of the union, stating the nature of the infirmity.

(ii.) Again, though, as a rule, relief may not be given from the poor rates "to any person who does not reside in some place within the union," persons "who require relief on account of . . . bodily or mental infirmity affecting such person or any of his or her family" are an exception to this rule. Such persons may receive non-resident relief. Article 3.

(iii.) Also, another exception, the guardians may pay for temporary lodging in any case of . . . mental imbecility. Article 5.

Regulations as to Outdoor Relief —*cont.*

54. Next, in the Outdoor Relief Regulation Order, there are exceptions under which outdoor relief may be given in the above three cases, as it is given under the Prohibitory Order; but, under the Regulation Order, there is also a further exception in cases of bodily or mental infirmity. An able-bodied male person (Art. 5) may not receive poor relief while he is employed for wages or other hire or remuneration, and such a person, if he is relieved out of the workhouse, has to be set to work. But this does not apply to men suffering from mental or bodily infirmity. They may receive relief outside the workhouse while they are being employed for wages or other hire or remuneration, and, though they are relieved outside the workhouse, it is not required that they should be set to work.

Outdoor Relief Regulation Order (1852). Adrian, Vol. I., 83.

55. The regulations quoted from these two Orders refer, it will be noted, in broad terms, to "mental infirmity," and "mental imbecility"; and they might receive a very wide application. They permit the guardians to give outdoor relief at their discretion to persons suffering from mental infirmity, and to persons members of whose families are so suffering, whether or not such persons be resident in the union, and whether or not they be employed and receive wages. The guardians may also pay for their temporary shelter.

(iii.) Poor Law Institutional Relief Outside the "Workhouse."

The maintenance and education of idiots in certified and uncertified schools.

56. Apart from their maintenance in an establishment of a board of guardians, such as the "workhouse," or in any wards or buildings coming under that designation, and apart also from the possibility of their receiving non-resident and other outdoor relief, the "uncertified" poor who are afflicted may also, under several statutes, be lodged or cared for by boards of guardians in institutions not managed by the guardians themselves.

Adrian, Vol. I., 84. Section 10, Poor Law (Certified Schools) Act, 1862, and other subsequent Acts.

57. Children who are idiotic may be sent to certified or to uncertified schools.

Thus the guardians may send a child, who is an orphan or deserted by his or her parents or surviving parent, or one whose parents or surviving parent consent, to a certified school supported wholly or partially by voluntary subscriptions, and may pay the expenses incurred in conveyance, maintenance, clothing and education; and the word "school" includes any institution established for the instruction of blind, deaf, dumb, lame, deformed, or idiotic persons.

Adrian, Vol. I., 86.

Also the guardians may send children who are under the age of sixteen, who are idiots or imbeciles resident in a workhouse or institution to which they have been sent from a workhouse or boarded out, to suitable schools that may not have been certified.

The maintenance of idiotic paupers in Asylums, Hospitals, &c. Section 15, Idiots Act, 1886. Adrian, Vol. I., 90.

58. Adults and children alike who are idiotic or imbecile may be sent to institutions established for their reception, whether maintained by a county rate or by voluntary contributions.

The guardians can, with the consent of the Local Government Board, send an idiotic pauper to an asylum or establishment for the reception and relief of idiots maintained at the charge of the county rate or by public subscription. Section 13, Poor Law Amendment Act, 1868.

And under the Idiots Act, 1886, the guardians retain their power of sending pauper idiots or imbeciles to hospitals, institutions, and licensed houses registered under the Act, and receive in respect of them "such sums of money as shall from time to time be granted by Parliament towards the maintenance and care of pauper lunatics, as if the same idiots and imbeciles were pauper lunatics."

Section 17, Idiots Act, 1886.

Under the Idiots Act, the words "hospital" and "institution" mean any hospital or institution or part of a hospital or institution (not being an asylum for lunatics) wherein idiots or imbeciles are received and supported wholly or partly by voluntary contributions, or by any charitable bequest or gift, or by applying the excess of payments of some patients for or towards the support, provision, or benefit of other patients.

Workhouses used for idiots. Adrian, Vol. I., 90.

59. Again, with the consent of the Local Government Board guardians may send to the workhouses of other unions "any idiotic, imbecile or insane pauper who may lawfully be detained in a workhouse." Section 13, Poor Law Amendment Act, 1868.

Assistance of Voluntary Associations for persons suffering from "natural infirmity."

60. Guardians, too, may make grants to voluntary associations which are dealing with persons who are suffering from any permanent or "natural infirmity" but are not themselves paupers.

This can be done with the consent of the Local Government Board, either by the guardians paying any sum of money as an annual subscription towards the support and maintenance of any public hospital or infirmary for the reception of sick, diseased, disabled or wounded persons,

or of persons suffering from any permanent or natural infirmity, or by the guardians subscribing to any association or society for aiding the same, or for providing nurses or for aiding girls or boys in service, or towards any asylum or institution which appears calculated to render useful aid in the administration of the relief of the poor. And it may be added, that with the consent of the Local Government Board, the guardians may enter into an arrangement with a hospital or dispensary in the union for the treatment of pauper patients.

Section 10, Poor Law Act, 1879.

Adrian, Vol. I., p. 88. Section 4, Poor Law Amendment Act, 1851.

61. Proprietary establishments may also be used by guardians, under a contract between the guardians of a union and the proprietor, subject to the rules, orders and regulations for the management . . . of any house . . . wherein any poor person is lodged . . . for hire or remuneration; and the Local Government Board may prohibit the reception or retention of any poor person, or class of poor persons in any such house. . . . They may remove officers, servants and assistants . . . and appoint persons temporarily or permanently to visit and inspect the house and the pauper inmates. Proprietary establishments under the Act do not include county lunatic asylums, registered hospitals, or licensed houses for lunatics. Institutions supported by public subscriptions, and maintained for purposes of charity alone, are also excluded.

Use of proprietary establishments by guardians. Adrian, p. 89. and the Poor Relief Act, 1849.

(iv.) Further Powers of Guardians.

62. Two other powers of the guardians may be mentioned, one which refers to defective and epileptic children, and one which refers to children alleged to be suffering from neglect or cruelty.

Adrian, Vol. I., p. 87.

63. If, owing wholly or in part to the attendance of scholars who are resident in a workhouse or in an institution to which they have been sent by the guardians of a workhouse or who are boarded out, a certified special class or school for defective or epileptic children has to be provided, enlarged, or maintained by the local education authority, the guardians may contribute towards the expenses incurred by that authority, as certified by the Board of Education. And the local education authority is not bound to receive such children in a special class or school unless the guardians are willing to contribute towards their education and maintenance.

Contributions to expenses of special schools or classes. Section 9 Elementary Education (Defective and Epileptic Children) Act, 1899.

64. As to children dealt with under the Act for the Prevention of Cruelty to Children, 1904, the child may (Section 5, Subsection 4) be committed to the workhouse "as a place of safety" during the proceedings in the case. And the guardians may (Sec. 21) "pay the reasonable costs and expenses of any proceedings which they have directed to be taken under the Act in regard to the assault, illtreatment, neglect, abandonment or exposure of any child." They may also pay the cost of prosecutions for ill-treatment of servants or apprentices, or bodily injury to persons under sixteen where two justices certify that the prosecution ought in the interests of justice to be conducted by the guardians (Offences against the Person Act, 1861, 24 Vict., c. 100, Sec. 73).

Prevention of Cruelty to Children. Adrian, Vol. I., p. 94.

65. Lastly, the workhouse is used as a place for the reception, relief and detention of alleged lunatics, and for the detention of lunatics certified as proper persons to be allowed to remain in a workhouse and there ordered to be detained, and under an Order of December, 1841, provision has been made for facilitating the identification of children supposed to have strayed or insane persons wandering abroad.

Lunacy Act, 1890, 53 and 54 Vict. s. 24.

Detention of Lunatics in Workhouses. Adrian, p. 94.

66. Thus, speaking generally, there are in the hands of the Poor Law guardians, on certain conditions and subject to the consent of the Local Government Board, ample legislative powers for providing for mentally defective paupers who are not certifiable, in "workhouses," wards of workhouses, or in separate institutions. In London by combination the guardians, through the Metropolitan Asylums Board, have special accommodation at their disposal and they receive aid through the County Fund and also in poor unions through the Metropolitan Common Poor Fund.

General powers of guardians as to mentally defective persons.

67. Throughout the country, also, outdoor relief is available for persons suffering from mental infirmity. And under certain conditions the guardians are empowered to maintain idiotic or imbecile children in suitable schools (certified or not certified), and imbecile adults, in suitable institutions; and these institutions may be supported out of the rates or by voluntary contributions.

General powers of guardians as to mentally defective persons—*cont.*

68. Further, the guardians may pay for the maintenance and education of epileptic and defective children who attend special classes and schools, and they have at their disposal powers of prosecution in cases of cruelty, ill-treatment, and neglect, while the workhouse serves as a place of detention for certified lunatics including idiots, for whom the accommodation there is considered sufficient and suitable, and also as an immediate refuge for children who have strayed, or insane persons who have wandered abroad.

69. The responsibilities of the guardians in relation to lunatics, the questions of classification in workhouses, detention, admission and discharge, and the powers of the guardians in acquiring land and borrowing, will be dealt with later. Here it is sufficient to note that these ample legislative enactments form part of the general poor relief system of the county, and are not applicable to mentally defective persons as such, but only on the ground of their pauperism, and that under the law as it now stands the father of an idiot or imbecile child who is relieved by the Poor Law loses the Parliamentary franchise.

CHAPTER II.

The Care of Mentally Defective Persons in Poor Law Institutions outside the Metropolis.

70. There are, as we have seen, two groups of Poor Law statutes, one in accordance with which the administration for the care of the defective classes in the Metropolis has been promoted, and another group under which are controlled the less developed and less specialised arrangements of Poor Law authorities in the country. These latter arrangements we will consider first.

Specially investigated areas.

71. We have had at our disposal two main sources of information—the reports of the medical investigators, whom we appointed to ascertain the number of mentally defective persons in certain typical urban and rural areas, and who made special inquiries in regard to the Poor Law institutions; and the evidence of witnesses. This evidence came from many quarters and referred to many districts. The whole of it is so important that we propose to set it out at some length, without at this stage attempting to define the several classes of mentally defective persons to which reference is made, but alluding to them generally in such terms as the witnesses used in giving evidence. The investigators' reports we take first, and afterwards the statements made to us by witnesses, which we have arranged according to their geographical areas.

The urban areas investigated. Vol. VI., pp. 13, 21, 28, 85-365.

72. The reports of the medical investigators refer to four urban centres, Stoke-on-Trent, Birmingham, Manchester with Chorlton and Prestwich, and Hull and Sculcoates; to one mining area in the county of Durham, containing three Poor Law unions; and to four rural districts, one in Somersetshire containing six unions, one in Wiltshire containing ten unions, one in Nottinghamshire containing four unions, and one in Lincolnshire containing six unions. In Wales, also, two areas were selected, one covering four unions in Carmarthenshire and the other covering four in Carnarvonshire. One of the instructions given to the investigators was that they should make enquiry in regard to the number of mentally defective persons in the workhouses and workhouse infirmaries in the unions in these districts.

Workhouses and Workhouse Infirmaries.

73. The following table shows the number of the mentally defective in the population of recipients of indoor relief and outdoor relief, excluding persons certified under the Lunacy Acts and casual ward cases in the above urban centres. Vol. VI., pp. 85-18

INDOOR RELIEF.

Work-houses and Workhouse Infirmaries —*contd.*

1. Urban Areas (Unions).	2. Paupers, adults and children, *excluding* cases certified under the Lunacy Act and Casual Ward cases.*	3. Paupers in the preceding column *who are mentally defective.*	4. Percentage of col. 3 on col. 2.
Stoke-upon-Trent	1,376	365	26·4
Birmingham	3,391	477	14·1
Manchester, Chorlton and Prestwich	7,510	726	9·7
Hull and Sculcoates	1,680	198	11·8
	13,957	1,766	12·7

Vol. VI., p. 20.

* These figures do not include the certified insane, for the certified lunatics lay outside the inquiries of the Medical Investigators. Nor are the figures in relation to the Casual Wards included: the investigation in regard to them was made on different lines—for a one month's period or for periods specially stated in each case.

Stoke-upon-Trent and Birmingham.

74. In these four fairly typical urban areas we find, then, that 12·7 of the population of the Poor Law institutions of the four districts are mentally defective, excluding those certified under the Lunacy Acts, and cases in the casual wards. The variation is considerable between district and district, but in every case the number and percentage are large. In the case of the Manchester area we find that 22 per cent. of the mentally defective in the Poor Law institutions need other provision.† We cannot make a similar statement in regard to Stoke-upon-Trent and Birmingham, for there the medical investigator who inquired into both districts reported that in the case of the former only seven, and in the case of the latter none of the recipients of indoor relief were urgently in need of further provision, on the ground, as to Stoke-upon-Trent, that:—"For children and others requiring permanent care, who cannot afford a private institution, I consider the workhouse the most suitable place—of course, with modifications and extensions of the existing arrangements." His reasons for suggesting this were that it would, or should be, the most economical arrangement, and also that it involved the least re-adjustment. "We have seen," he wrote, "that practically half the feeble-minded are in the workhouse already, and that most of the others are slowly drifting there. Surely, then, it is their natural bourne." There were there "many persons incapable of ordinary work, yet quite capable of helping to look after those weaker than themselves." Nor was there, he thought, any objection on the ground of "a stigma attaching to help from the Poor Law." And in the case of Birmingham the same medical investigator reported that "for children and others requiring permanent care I still think that the workhouse affords one solution of the problem," and he gave similar reasons for his opinion, concluding that "the Birmingham workhouse is a standing instance of the possibility of providing both instruction and work for defectives under the Poor Law." But he added, "At the same time I fully appreciate the disabilities of the workhouse. In the first place the stigma associated with it, in consequence of which only the most severe pressure will compel defectives of a certain class to be placed there. Secondly, the complete failure of many boards of guardians to grapple with social problems; and thirdly, the scandalous expenditure of some boards." We have set out this opinion, as it indicates one view of the situation and coincides generally with the policy of the

Vol. VI., p. 102.

Vol. VI. p. 132.

† What is meant by "need of provision" is explained by the footnote placed under the Tables of the medical investigator, entitled "Special summary of all cases needing provision." It is as follows:—The object of this table is to supply an estimate of the number of persons at the present time urgently in need of provision, either: (1) in their own interest; or (2) for the public safety. It is recognised that there may be many others for whom the present accommodation is not ideal; these are not here included, but only such cases as are, in the opinion of the investigator, improperly, unsuitably, or unkindly cared for; or who, by reason of particular habits and characteristics, are a source of danger to the community in which they live.

Stoke-upon-Trent and Birmingham—*contd.*

Birmingham Board of Guardians, who have paid special attention to the care and control of the mentally deficient. It also represents the general evidence on one side of the question. Undoubtedly a different opinion on this issue would have led the inevstigator to make a selection of the mentally defective persons who should and of those who should not remain in the workhouse. We notice that the Birmingham investigation followed that for Stoke-upon-Trent, and that further experience led the investigator to modify his opinion. During his second investigation he recognised that the "stigma attaching to help from the Poor Law" is a serious drawback, for, speaking of the workhouse, he says: "Only the most severe pressure will compel defectives of a certain class to be placed there." This latter opinion is fully borne out by other witnesses, and cases are quoted where the parents were anxious to obtain institutional care for their defective children, but refused to ask for such care on hearing that application must be made to the guardians, and that, in the event of the application being successful, the effect would be to pauperise them. In fourteen cases in Birmingham the parents refused to apply on this ground.

Vol. VI., p. 132.

Vol. II., p. 461.

Manchester. Vol. VI., p. 149.

75. Turning now to the Manchester, Chorlton, and Prestwich unions, where out of the 7,510 recipients of indoor relief 726 were mentally defective, and 162 or 22 per cent. were in urgent need of other provision,* we have the following report of our investigator:—

Vol. VI., p. 169.

"The great majority of the mentally affected persons met with in the Poor Law institutions are satisfactorily looked after. Of the *senile dements*, all except one are in the workhouse. This one was met with in the tramp ward, and requires permanent provision. Of the other persons of *unsound mind*, three who are in the workhouse should be certified as lunatics, the rest are sufficiently cared for under present conditions. There were six in this category whom I saw in the tramp wards; they are certainly in need of provision. Speaking generally, I would say that all the feeble-minded who find their way into the tramp wards are certainly unsuitably cared for, even if not in addition a source of danger to the community from the great temptation to drift into criminal courses."

Vol. VI., p. 170.

"The *feeble-minded* in the workhouse are sufficiently well looked after, and it cannot be said that they are urgently in need of provision, and yet their condition is by no means satisfactory. They are perfectly free to leave the workhouse at will, and when it is borne in mind how many young women, who have already had illegitimate children, there are amongst them, it will be recognised what grave risk there is, in both sexes, of the further propagation of their defect. The occupation of those who are in the workhouse is also capable of radical improvement; many of them could do, under efficient supervision, a certain amount of useful work, which would make them much more serviceable members of society than they are at present in enforced idleness or doing only the roughest or most unskilled work. In the case of the 145 feeble-minded in the casual wards what I have written above applies; they are in urgent need of provision."

"Special provision is called for for the fifty-one *defective children* attending the workhouse schools, as also for the eight defective children who were in the workhouses, and the one child met with in the tramp wards; none of these appeared to me beyond the reach of special teaching."

"The position of the sane epileptics in the workhouses I have already commented upon as being unsuitably cared for, and the whole of the ninety-two cases in this column (which included also one seen in the tramp wards) I consider to be in need of further provision. This provision the seventy-one under the care of the Manchester and Chorlton Unions are shortly to receive in their joint Colony home at Langho, and it is to be hoped that there may be some provision for the separation of the twenty-one sane epileptics from the insane in the new hospital which the Prestwich Guardians are in process of erecting."

Hull and Sculcoates, and Durham. Vol. VI., pp. 20 & 180.

76. At Hull and Sculcoates, and in the mining unions of the county of Durham the numbers of the mentally defective in the population are comparatively few. In the workhouses at Hull and Sculcoates, 11·8 per cent. of the inmates are mentally defective, and in the Durham counties 18·16. And of the care bestowed on them, it is said at Hull, there can be no doubt that the establishment of some

Vol VI., p. 194.

Vol. VI., p. 183.

* *See* foot-note on previous page.

provision for the feeble-minded would be of much benefit to these unfortunate people, and of comfort to their friends. In the more pronounced class of defectives, the City Asylum, and for those less so, the workhouses—as things now are —are the only available refuges. Thus, the feeble-minded in this district seem to be fairly well provided for, so far as accommodation is concerned. Still some of the mentally deficient young persons would derive much improvement if they were placed in an institution and trained. In the Durham unions the report, as to idiots and imbeciles in the workhouses, is that "the number is so small, and the cases are uniformly so well looked after that I should not deem it necessary to provide an institution specially for them, although of course, if such an establishment existed, say for a group of counties, it would be advisable, and no doubt beneficial, to have them removed, so as to secure proper treatment and supervision. Of the total seventy-three feeble-minded, no less than forty-three are already in the workhouses, where they certainly appear to be well cared for, and as far as my observation goes, they do not require a great amount of supervision. I am of opinion that they are as comfortably and economically provided for as if they occupied a separate institution."

Hull and Sculcoates, and Durham—*contd.* Vol. VI., p. 183. Vol. VI., p. 197.

77. This evidence, except in the case of Manchester, appears with certain reservations, as in a measure in the case of Birmingham, to favour the existing state of things. Neither at Hull and Sculcoates, nor in the Durham unions, has the question assumed any special importance, at least in the opinion of the medical investigators. Such criticisms as those made later on in regard to Wakefield, York, Newcastle, Leicester, Bristol, and generally as to several counties, do not appear to have presented themselves to them—for, indeed, as the statistics suggest, the proportion of the mentally defective in these two areas (Hull and Sculcoates and the Durham unions) is remarkably low. This, too, would, in some degree, account for the different character which the subject assumes here and elsewhere.

78. For the rural areas we have the following table :—

INDOOR RELIEF.

The rural areas investigated Vol. VI., p. 27.

1. Rural Areas (Unions).	2. Paupers, adults and children, *excluding* cases certified under the Lunacy Acts and Casual Ward cases*	3. Mentally Defective Persons.	4. Percentage of col. 3 on col. 2.	5. Percentage of Mentally Defective Persons (col. 3) needing provision.†
Somerset - - - -	740	166	22·43	3·01
Wilts - - - - -	1,146	229	20·00	3·06
Notts - - - - -	591	117	19·80	1·71
Lincoln - - - -	665	77	11·58	6·50
	3,142	589	18·75	3·22

* These figures do not include the certified insane, for certified lunatics lay outside the inquiries of the Medical Investigators. Nor are the figures in relation to the Casual Wards included; the investigation in regard to them was made on different lines—for a one-month period or for a period specially stated in each case.

† See foot-note on p. 19 above.

In these rural areas we find that the mentally defectives form a larger percentage of the inmates of workhouses than in the urban districts: 18·75, as against 12·7, and as compared with Manchester, for instance, those who are returned as in urgent need of other provision are proportionately much fewer, 3·22 per cent. instead of 22 per cent.

79. Of Somersetshire, we have the following notes, which furnish practically a census and a sketch of the mentally defective in a group of workhouses :— Somersetshire.

"It thus appears that on the average a little more than one-fifth of the entire workhouse population come within the scope of the enquiry. . . . In some unions the proportion of the workhouse population who are mentally affected is not so great, in others it is greater than one-fifth; the smallest number being found at Taunton, 17·7 per cent., and the largest at Yeovil, 25·4 per cent. These differences are in great measure attributable to local customs as to the granting of relief." Vol. VI., p. 221.

Somersetshire—*contd.* Vol. VI., p. 222.

Passing by the notes on the senile dements (39), and lunatics (20), in the workhouse, there appears to be "only one idiot, a female child of six years, who would be better in a special institution"; and there are twenty-three imbeciles, of whom "sixteen are incapable of doing any work, four do a certain amount of useful work under supervision, and three are children of school age; one of these is attending school, and two are not attending school." The feeble-minded number seventy-four, thirty males and forty-four females. "About half the males are occupied in useful work, such as coal-carrying, wood-chopping, and the ordinary domestic work of the institution, whilst about two-thirds of the females are usefully employed in scrubbing, mending, and laundry work. On the whole I find that routine work of this character is done fairly well by them. The remainder are practically idle, and simply loaf about, either because they are too old, incorrigibly lazy, or require so much supervision that their labour is unprofitable—they are more bother than they are worth."

"I may refer to an episode in connection with one feeble-minded woman, who was set to wash a baby; she did so in boiling water, and it died. It is only fair to remember that practically none of these persons have received any training, so that their capacity for work is comparatively uncultivated.

"Seven females and one male are of very unstable equilibrium, they are troublesome, very untrustworthy, and require a good deal of watching; whilst in the case of another woman before mentioned who is subject to attacks of insanity I do not consider the control efficient.

"Five females and four males are unemployed owing to epileptic fits; and two females are bedridden from old age."

Vol. VI., p. 222.

As a result of enquiries into the previous history of these feeble-minded persons, the medical investigator adds, "I find that they fall into the following groups:—

"*A.*—Those born in the house (nearly always illegitimate) or else admitted at a very early age owing to the death of parents.

"*B.*—Those admitted during adolescence in consequence of their inability to earn their living. Many members of this class have been taken in hand and placed in one situation after another by charitably disposed persons, but partly owing to their bad temper and partly to their ever-changing disposition, employers find it impossible to put up with them, and they finally drift into the House. I came across one girl who had been placed in twenty-two situations in less than two years.

"*C.*—Those admitted somewhat later in life owing to the death of friends who have hitherto looked after them. This class represents a later development of the condition of many persons who will be met with in Group C., that is, persons in receipt of outdoor relief, and Group H., persons living at large or known to be mentally defective.

"*D.*—Street loafers and vagrants who have either been brought in by the police or driven in by destitution and stress of weather. A few of these are regular ins-and-outs.

"*E.*—Women who have come in to be confined of illegitimate children.

"*Defective Children.*—Total number three (male one, female two). All these were born in the workhouse, and are attending the town school.

"*Sane Epileptics.*—Total number six (two males, four females). The two males are father and son; the father is a regular in-and-out, and gets work as a labourer during the summer months. The four women are practically unemployable, owing to the severity of the fits."

This statement may be taken as a fair description of the mentally defective as they are living in the workhouses of these rural unions. To the general needs of these unions we have already referred.

Wiltshire. Vol. VI., p. 258.

80. From Dr. Pearse in regard to Wiltshire the criticism comes that, apart from the feeble-minded who have been brought up in the workhouse, "there are others who have entered because they have failed in the struggle outside; and these do a certain amount of routine work in the institution,—wood-chopping, gardening, laundry work; many of them work well, others only under supervision. There is, however, absolutely no recognition of the fact that they need special training. After treatment suited to their requirements they would be able to provide for themselves much better than they do."

Another criticism is that though the number of certified lunatics is considerable, in only one workhouse is there separate accommodation for them with a special attendant; in all other cases they mingle freely with the other inmates, a state of matters which is hardly desirable, and may readily have a deleterious influence on the feeble-minded. Most of the cases can be readily controlled, but separate wards are certainly advisable, or as some of the workhouses have considerable spare accommodation the certified cases might be drafted to these. Wiltshire—*contd.*

81. Dr. Stracey, writing of the idiots and imbeciles in the district which he investigated, says: "At present there are no means of providing for these cases; the workhouses under present conditions are unsuitable, the lunatic asylums are full, and there are no idiot asylums in the district;" and he suggests that the empty accommodation in the workhouses should be adapted for use under a larger staff. And of the feeble-minded he says: "There are thirty who require provision and should certainly be under some sort of control. The workhouses are unsuitable, as they have neither power to detain such cases, nor suitable work to give them." Lincolnshire. Vol. VI., p. 309.

82. Of three of the four workhouses in the area of Carnarvonshire which Dr. Parry investigated, he says that "they are situated in the towns, where little space is provided to give exercise and to organise manual work for the inmates. The disciplinary methods of these institutions are decidedly bad at present, for a feeble-minded woman can at any time claim her discharge, and, when pressed by circumstances or misfortune, demand re-admission and burden posterity with her offspring." Carnarvonshire. Vol. VI., p. 351.

83. The general impression made by this evidence is that the mentally defective in the workhouses are kindly treated, but that they are rather maintained than thoughtfully considered, and that much more could be done for the children and younger persons, if attention were given to their training and if the accommodation at the workhouses were adapted to new needs, better utilised, and supplemented by farm colonies and other industrial institutions where such capacity as the inmates have may be developed.

84. The maternity wards at the workhouses in the several districts which were investigated in most cases were under observation for some time. The Maternity Wards. Vol. VI., pp. 19, 27, 95, 122, 152, 180, 194, 223, 258, 279, 303.

Among the women in the maternity wards in some districts a small proportion are reported to be feeble-minded. In Stoke-upon-Trent in the Lock ward were five feeble-minded women, all of them prostitutes. In the maternity ward in Birmingham during two months thirty-four women were admitted, of whom four were feeble-minded, three of them being unmarried. In the Manchester district in three months ninety-four were admitted, of whom nineteen were feeble-minded. "In all but two cases the children were illegitimate." Thirteen feeble-minded women, who were in the body of the house, admitted having had one or more illegitimate children. In the Durham county areas the maternity wards were empty at the time of enquiry, "and do not appear to be extensively used." In the Somersetshire union, there were during the period of enquiry only six women, three of whom were feeble-minded. "Taking all the unions together, the average total per year for the last five years was nearly four in each union. Of this number fully three-quarters of the children were illegitimate and fully half of the women feeble-minded." In the Wiltshire unions the wards were little used. In the Nottinghamshire district there were "twenty-three feeble-minded women in the workhouses, of whom eleven had at one time or another had children, all illegitimate." In the Lincolnshire district no mentally abnormal women were found in the wards, and they were very seldom met with there.

From this short abstract of the evidence it may be concluded that while in the maternity wards only a small number of the women are feeble-minded, women who are feeble-minded in very many cases have illegitimate children, and that at present they are not and cannot well be protected. They are under no guardianship that might prevent their having recourse to the workhouse, and even when there they cannot be detained, however desirable such a course might be.

Notting-hamshire. Out-door Relief. Vol. VI., p. 280.

85. In regard to outdoor relief one note may be quoted. It occurs in Dr. Gill's report of the Nottinghamshire unions. Ninety-three persons were in receipt of outdoor relief—men and women of every class of mental defect. "Taking half a crown as an average weekly payment to each of them (and it is probably a good deal below the mark) the annual amount paid comes to a little over £600, and this without any hope or expectation of return. Thirty-five out of the ninety-three are feeble-minded, and all are capable of work under careful supervision."

East and West Riding: The defective classes under the Poor Law. Bagenal, Vol. I., p. 130, c. 1 & 2.

86. Turning next to the witnesses who submitted evidence to us, we take the East and West Riding first. Mr. Bagenal, a general inspector of the Local Government Board for the Yorkshire District, who has paid special attention to this subject, described to us the conditions that prevail at the Wakefield Union Workhouse, not as exceptional, but as fairly typical of the rest of the country. The Wakefield Union, he said, had in 1901 a population of 112,365, and included a considerable rural area, thus combining in some degree the characteristics of an urban and a rural district.

In the workhouse he said "there were sixteen male certified lunatics, and eight female certified lunatics, making a total of twenty-four. Of these three males were idiots, and three females idiots. There were also five male feeble-minded epileptics not certified, who were warded with the lunatics or with the infirm men. All these . . . occupy the same block and intermingle freely, though classified on the male and female side, after a fashion, in separate day rooms. There were numbers of idiots and imbeciles, and inmates with their senses, all mixing together—which is a very undesirable thing. It is explained by the fact that they have not room in the workhouse. . . . . But that is the condition of a great number of workhouses—that the imbeciles are mixed up with the sane, which is very undesirable and very hard lines upon the respectable poor."

He proceeded to go into detail:—

"There were four feeble-minded, of whom one was an epileptic. Of these one has an illegitimate child, and there is trouble in keeping her segregated from the men. There is another whom the superintendent said was very likely to go wrong, and with whom she has had trouble in the same way. All the above are under special observation, and supervised by special officers, and are accommodated in a separate block divided into male and female quarters."

In the main block where inmates in health were kept he found the following feeble-minded: "eight women between twenty and forty years of age, of whom the master said it would be most inadvisable to let them out; one epileptic of the same character. All these the master manages to detain in the workhouse by persuasion, or by putting difficulties in the way, such as asking whether they have any friends to go to, whether they are likely to keep them, and so on. As a matter of fact, he knows that he has no legal right to prevent them discharging themselves."

Besides these, there are the following cases:

"A woman, aged thirty-eight, who has no sense of morality and is a source of constant trouble to the matron and master. She has had five children, all by different fathers. This woman is now practically a permanent inmate of the house and is not allowed out. She makes no application to be discharged, but uses very bad language when she is refused liberty to go out for an afternoon. Of her five children, three died, very degenerate offspring. The survivors are under the custody of the guardians.

"The second case is a woman aged forty-five, who has three illegitimate children. She is on the border line of imbecility, but the medical officer will not certify her as insane. Two of the children are said to be the result of an incestuous connection. She makes no application to go out, but there is no means of legally detaining her.

"There is a third case of a woman, aged twenty, bordering on imbecility. She has been in the workhouse for ten years, and is an active and useful person in work."

Then, continuing his statement in regard to the females, Mr. Bagenal said that he found, in the infirmary or hospital wards, that in 1904 there had been three cases of illegitimate births, all the offspring of feeble-minded women. One was the result of an incestuous connection. The superintendent nurse told him that the mothers of all these cases were distinctly feeble-minded, and her experience was that illegitimacy was very frequently the result of this.

On the male side, he found that there were five men who could be described as feeble-minded, who are useful and active workers about the place, going messages, and so on. They showed no desire to leave the institution; they were

quite content to remain there. Those would seem to be people ear-marked, as it were, for a labour colony, or a department of a labour colony for the feeble-minded, if such were established.

East and West Riding: The defective classes under the Poor Law—*contd.*

Thus his summary for that workhouse was: there were twenty-four certified insane, and twenty-six feeble-minded. That morning he had received a return of the mentally defective who were in receipt of outdoor relief; there were four relieving officers, and between them they returned: Imbeciles, five males, four females; one idiot male; eight male and fourteen female feeble-minded; total, thirty-two. And he concludes "so you there get practically what the feeble-mindedness is in one union which I have taken at random in my district. I do not know that there is any reason to suppose it is above the average or under the average; I simply state these facts."

Bagenal, Vol. I., p. 130, col. 2.

87. At Wakefield Workhouse, according to the Half-yearly Returns of Pauperism (England and Wales) January 1st, 1905, there were 395 indoor paupers. Mr. Bagenal found twenty-six feeble-minded, apart from the twenty-four certified lunatics, *i.e.*, 6·6 per cent. of the inmates of the workhouse: and of 1,908 persons on the outdoor relief list, thirty-two, *i.e.*, 1·6 of the applicants were mentally defective.

88. Of the Sheffield Union which is urban, Mr. Bagenal says:—

Bagenal, Vol. I., p. 130, col. 1.

"The superintendent of outdoor relief stated that there were in receipt of outdoor relief twenty-seven males, forty-one females, total sixty-eight, who might be classed as feeble-minded. Of course, it seems obvious that any person of this class who is in receipt of outdoor relief, a female especially, is more or less a source of danger to the community."

Feeble-minded women in the workhouses in the Yorkshire District.

89. Speaking further of feeble-minded women in the workhouses of his district, Mr. Bagenal said:—

"Feeble-minded women are particularly open to the seductions of men. They seem to be deficient in will power and the power of resistance to attacks upon their virtue. In some the moral sense is altogether absent. The consequences we see in the frequency of this class in the lying-in wards of the workhouse.

"In one workhouse I found five young women, all of whom were feeble-minded. Number one was going to be confined and had had two children before; number two had had two children; number three had had two children; number four had had one child; and number five had been confined in the summer, and had three children previously. All these were illegitimate. The cost of these cases is a very great burden on the ratepayers, especially as the children will probably turn out to be feeble-minded also. The fact is, this class become practically the prostitutes of the rural districts.

Bagenal, Vol. I., p. 132, col. 1.

"I made an enquiry on this question into the number of illegitimate births in the workhouses of my present district in the year ending the 31st December, 1901, and the number of mothers of illegitimate children who were feeble-minded. There were 462 illegitimate births, 6 per cent. of whom came of feeble-minded mothers. The returns were incomplete as to numbers, owing to the fact that no record was kept in two of the largest workhouses in the district."

General returns of feeble-minded in workhouses in the Yorkshire district.

90. Commenting on a return of defective children of school age which had been made by the head teachers of the elementary schools at Ipswich, and showed that "approximately 1 per cent. of the children were feebly gifted," Mr. Bagenal said that he felt pretty confident that this 1 per cent. contributed many recruits to our workhouses and our gaols, and speaking generally of the workhouses in his district he said that he ascertained in 1900 that in ten unions in the East Riding of Yorkshire there were 161 "who were of weak intellect, but who were not certifiable as imbecile or insane, and who could not therefore be detained in workhouses or elsewhere except at their own pleasure," and in the thirty-five unions in the West Riding there were 670 such persons.

Bagenal, Vol. I., p. 132, c. 1.

Bagenal, Vol. I., 2472, 2473, 2474, 2476, 2346.

91. As to the practical definition of this class in the returns which he collected, Mr. Bagenal said that he gave the officials "a definition of what a feeble-minded person was to the best of his ability," and though "the evidence on this particular point might not be scientifically correct" he thought the workhouse masters would take the medical officers into their confidence. The relieving officers "seemed to understand perfectly that the 'feeble-minded' were on the border-line—cases with which they were perfectly familiar, which, they say, are 'softies,' or 'not all there,' or are defective. Among these cases returned, were no 'senile decay, hospital cases, or bedridden cases at all.'"

Bagenal, Vol. I., p. 132, c. 1.

Mr. Bagenal added that he thought that it was very likely that the vagrant class was largely recruited from the ranks of feeble-minded boys. These boys were practically unemployable, and at the age of sixteen drifted out into the high roads and swelled the ranks of the nomad population. The feeble-minded men in the workhouses, he says, are very often "ins-and-outs." They go into the workhouses in winter and come out in summer, picking up a precarious livelihood in one way or another.

York. Skinner, Vol. II., 14784, pp. 218, 219, 220.

92. Miss Skinner, the superintendent nurse of the York Union Infirmary, reported to us on the feeble-minded there. Her evidence corroborates the evidence of Mr. Bagenal and many others :—

In the imbecile wards, she said, were 78 beds, and fifty-two patients detained under certificate; twenty-four of these were certified imbeciles; fourteen had chronic mania; five were old senile cases and there was one idiot. Of epileptics there are eight 'mental,' and to be counted among the 'certified imbeciles,' two feeble-minded, and four epileptic imbeciles. Besides the fifty-two certified cases, there were a great many cases of senile dementia; these were not fit to be in the sick wards, some of them being very noisy at times and troublesome, but too old to certify.

A great many girls admitted to lying-in wards were more or less feeble-minded, and unfit to look after themselves, but after their recovery, they were discharged out, and went to the bad, because no one had the power to protect them against their will. For cases of this kind, she thought, a Home should be provided and certified by law, with power to detain. The medical officers of workhouses should be allowed power to transfer any patient that they considered fit to such a Home from the workhouse or lying-in wards; subject to a certificate signed by a magistrate.

Miss Skinner mentioned many individual cases which threw light on the condition of the feeble-minded inmates; and she urged that children, on being sent out to earn their living should be carefully examined by the medical officer. She mentioned four cases, in which children, unfit to look after themselves, were sent to farms.

Since 1900, she said, the number of confinements had been 135. Out of this number 115 were illegitimate; 107 were unmarried women. The other cases were married women and eight of these also had illegitimate children. Thirty-five pregnant cases were suffering from a severe form of syphilis. Many of the children died from syphilis either a few minutes after birth, still-born, or under a year old. When at the latter age the child was usually suffering from a few weeks after birth until it died.

From July to November, 1901, she said, four infants died, the oldest eleven months old; in the year 1902 seven infants died, the oldest two years; in the year 1903 thirteen infants died, the oldest three years; in the year 1904 eleven infants died, the oldest four months; in the year 1905 twenty infants died, the oldest fourteen months.

Of the cases one or two may be quoted as typical:—

"*F.S.*—Brought up here; always a troublesome, violent-tempered, immoral-minded girl, several times sent out to service; always returned with bad reports, and in a dirty and verminous condition—her hair had to be cut or shaved off; sent to imbecile wards two or three times for observation, but was not certified; she has been a source of great trouble this last year (suffering from syphilis). A guardian has recently obtained a situation for her on a farm. She is sure to return in the same condition. Her mother is in the asylum. Her father deserted the family when young.

"*H.D.*—Single woman. Age 25 years.—One illegitimate child; grandmother and mother died in the imbecile wards of this workhouse; she was brought up here; went to service, returned pregnant; the child was a miserable puny infant. The girl I consider 'mental'; she had very violent fits of temper. The child improved, and later the woman went out and lived with a man who is frequently an inmate of the house. This man is also mentally deficient. A few weeks ago a situation was got for her, and she ran away from it; she has refused to go to a Home. This man and woman have been seen about York together.

"*A.C.*—Epileptic; has had one illegitimate child; F.C. also epileptic, had two illegitimate children. F. became so violent and troublesome that she was sent to the asylum; she died there in 1904 from malignant disease. Agnes had also malignant disease of the breast which has been amputated. Two aunts died here; they were both 'mental' and had been at an asylum; a nephew committed suicide by drowning in the river Ouse in July of this year. One nephew living looks 'mental.'

"*M.P.* Single woman. Age 29 years.—She was a cook; she drank heavily; brought in in a dirty condition, suffering from the effects of drink; recovered, and went out, back on to the streets; brought in again; was certified for imbecile ward. She improved wonderfully, and worked well; after begging for some time, the doctor allowed her to go out again; later was brought back again as bad as ever, was not certified; she improved and went out again, and went to the bad again; tried to commit suicide, threw herself out of the window; taken to county hospital; admitted since then in a deplorable condition. She again went out, and has been several times since in Wakefield prison, for theft and immoral living. Family history, parents are aged and most respectable people; one sister a lady's maid. She has been two or three times to the Refuge here in York. Her own friends and several of the lady guardians have tried to persuade her to go to a Home, but she absolutely refuses. Still at large.

"*H.I.*—Single woman. Age 40 years.—Farm servant, sixth child. Her father had charge of the eldest child, four were dead; feeble-minded woman.

"*H.D.*—Single woman. Age 27 years.—Six illegitimate children. Clean girl, but feeble-minded.

"*J.B.*—Single woman. Age 26 years.—Has been in the imbecile wards here several times; has been twice to Bootham Asylum; violent and dangerous; she had a child here in 1902, who lived seven months, and died in convulsions. She is now at home with her parents."

Newcastle. Pease, Vol. II., 15060, p. 232, c. 1.

93. Miss Pease, a guardian of the Newcastle Union, and a member of the Northumberland Education Committee, described the state of the feeble-minded "able-bodied" in the Newcastle workhouse.

Each year since she had been a guardian, she said that she had felt the need of some change in the law regarding the detention of the feeble-minded. This view was held by most women guardians, and by many Poor Law inspectors. The evil results of allowing mental defectives to go in and out of workhouses as they pleased were always under their eyes.

At the present moment, in the Newcastle workhouse, there were sixty so-called able-bodied women; out of this number, there were—according to the views of the two medical officers, the matron, and herself,—thirty-nine women of varying degrees of feeble-mindedness; sixteen of these had children, and none of them were able to take care of themselves. There were sixty able-bodied men, and of these the doctors considered that twenty-three ought to be kept under permanent care. As they were not able to do this, they tried to persuade them to stay in the House by giving them a certain amount of preferential treatment, but often all their efforts were defeated by a depraved woman getting an influence over those who were younger and more innocent, with no wills of their own, and then nothing would keep them in the House. Others who did not realise their mental condition genuinely wished to try and earn their own living; they were seized with a restless fit and took their discharge, and too often their next appearance was in the maternity wards.

Miss Pease also stated that a census of the mentally defective children throughout the county had been made between the ages of seven and fourteen. The number returned was 288, less than three in every 1,000; hardly a complete census, she considered.

Lancashire. Jenner-Fust, Vol. I., 2530, p. 138, col. 1.

94. Speaking of Lancashire, Mr. Jenner-Fust, General Inspector of the Local Government Board for Lancashire and Westmoreland and part of Cumberland, said that the imbeciles and insane epileptics were chiefly maintained in the workhouses of the district mingled with epileptics not classed as insane. In many instances, separate blocks or pavilions had been provided for their use, but, in all these cases, if the imbeciles and epileptics were removed, the accommodation provided could in future be appropriated to other classes of inmates. There was a general concensus of opinion in Lancashire that a workhouse was not the right place for imbeciles or epileptics of either class, sane or insane.

Rhodes, Vol. I., 9436, p. 549 col. 1

95. Dr. Milsom Rhodes, Chairman of the Manchester and Chorlton Asylums Board, who has a wide knowledge of Poor Law administration in Lancashire and elsewhere, stated:—

That no one who had really studied the question could be satisfied with the present provision for mental cases in workhouses. An alteration was necessary, in the interests of the sick as well as the insane, in the smaller workhouses. The mentally unfit were placed in the sick wards and were a cause of very great trouble to serious cases. He had known a noisy dement in the next bed to a patient suffering from acute pneumonia, to whom sleep was an absolute necessity, a *sine quâ non* she had small chance of obtaining. The treatment of the mentally and physically unfit in the same ward, should, he thought, be abolished.

Norwich: Odhams, Vol. II., 13629, pp. 152-153.

96. At Norwich it was stated that there were forty-two "feeble-minded" persons in the workhouse, and twenty-four in receipt of outdoor relief; and sixteen epileptics in the workhouse and ten in receipt of outdoor relief. It was found that in most of the indoor cases chargeable, the persons had been admitted on many occasions. Most of those who were in receipt of outdoor relief were resident with either parents or relations. Of the feeble-minded in the workhouse, four, it was said, required treatment in a special home; and of the epileptics, in-and-out, eight required that treatment.

Leicester: Clephan, Vol. II., 18442, p. 424, col. 2.

97. Miss Clephan, for a long time a member of the Leicester School Board, and now manager of the Deaf and Special Classes under the Leicester Education Committee, and Honorary Secretary of the After-Care Committee, said of the

Leicester—*contd.* Clephan, Vol. II., 18442, p. 424, c. 2.

workhouse there, that there was in it an inevitable lack of just what was most needed—individual training and development; there was ignorance of the family history of cases (which was very evident on special enquiries being made in regard to after care); there was no specialisation of treatment; cases drifted in and out at intervals: boys were placed with men and soon got out of hand; some drifted into the imbecile ward as the safest place; others were declared to be feeble-minded who might be improvable; some were found there though they had never passed through a Special school.

Hampshire, Wiltshire, Dorsetshire.

98. Quoting from a report made by him to the Local Government Board in 1904, Mr. Baldwyn Fleming, a General Inspector, described the condition of the feeble-minded in workhouses in his district, Hampshire, Wiltshire and Dorset. The account he gave was like those submitted by the witnesses whose evidence has been already quoted. He mentioned the following cases merely as samples of a class of case with which every board of guardians is familiar.

Fleming, Vol. I., 2078, p. 115, col. 1.

"In C. workhouse a girl, D.F., aged twenty-five, had come into the workhouse to be confined. She was physically and mentally defective, but the medical officer could not class her as insane. She had no idea what to do with her child, which was a poor, undersized little object. The matron had managed to keep it alive, and if it remained in the workhouse it would very likely continue to live. There was no power to retain the mother against her wish, and it was stated that she would probably leave the house as soon as the child was strong enough to go out. What would be the almost inevitable result? That in a few more months the child would be dead, and the mother would again be pregnant.

"In the same workhouse was a child, W.B., aged fourteen. She had been sent to the workhouse with the consent of her parents and of the guardians, to prevent her seduction. She was of unusual physical development for her age, and had evinced propensities which would have certainly led her into trouble if she had not been placed under restraint. She was defective mentally, but was not classed as insane. Unless she can be so classed when she is sixteen, she will be entitled to take her discharge, and the consequences are apparent.

"In another workhouse there was an inmate, F.A., aged thirty-three. She was seduced when she was sixteen, and her first child was born when she was seventeen. She has had five children, and three of them died when babies. This woman is less defective mentally than the two cases previously referred to, but she is quite unable to protect herself from the danger she incurs when free from restraint."

In support of his statement, that it was very necessary that feeble-minded girls should be detained, he gave particulars of a family in which the father was mentally deficient and the mother extremely deaf, and in which the daughters each in turn on becoming independent took to a profligate life.

99. Further, in advocacy of a policy of separating the feeble-minded in country workhouses into offensive and inoffensive feeble-minded, and removing the former from the workhouses, but retaining the latter, Mr. Fleming described in some detail the state of things at a country workhouse.

Fleming, Vol. I., p. 121, col. 2

A chattering old woman of eighty years of age, a senile dement, and two other women who could not be removed, unless they were certified as insane, were in this workhouse, he said, a constant trouble to the quiet and well disposed inmates—especially in the sick wards. There was no remedy indeed, but to obtain certification, a course which was not adopted because it was thought that it would be wrong to brand the families to which they belonged with insanity. On the other hand, there were in the same workhouse four male imbeciles, who represented, Mr. Fleming urged, a class of persons who might very well be left in the workhouses. These were:—

Fleming, Vol. I., 2181. p. 122, col. 1.

"A. G., 70; E. B., 45; F. M., 45, and A. P., 29. A. G. is a most useful general handy man. He works in a garden and helps with the pigs, looks after the vegetables and turns his hand to anything that he is put to. The master describes him as very useful and thoroughly contented and happy. He is well-known throughout W., and is often allowed to go into the town for errands or other purposes. There he has many friends whom he meets with great pleasure, and who are glad to see him. E. B. goes about with the firewood barrow. He has a cousin in W. whom he frequently visits. In the workhouse he helps in the kitchen, where he is said to be of great use and to do a great deal of work. He also is said to be thoroughly happy in his surroundings. F. M. has friends at C., and regularly goes to spend the day with them. Sometimes he has exceeded his leave and has stayed with them for the night. The guardians would not object to this, except that it is doubtful whether there is sufficient sleeping room. He does much of the scrubbing in the workhouse, and again is said to be useful and very happy. A. P., twenty-nine, makes himself very useful at any work allotted to him. He is a keen sportsman and runs like a hare. When the hounds are about he loves to get after them, and within reasonable limits he is allowed to do so. He has a father and a mother, and periodically goes to see them. He also is said to have a very happy life. The master who gave me the above particulars says that if these four men were taken away from the house, the work could not be done without further paid labour. He says further that at the house they would be very sorry to lose them, and

that he is sure the men themselves would be very wretched if they were removed from their own surroundings and association to an establishment where they would have none but their own unfortunate class for companions. These men work well and willingly, and are quite happy in their work. They are no nuisance and give no trouble and no cause of complaint to any other inmates. The guardians appeared to think that they did not want to get rid of them. It would be a grave hardship with no compensating advantage to add to the misfortune of insanity the pain of taking them away from their present happy condition of life." Hampshire, Wiltshire, Dorsetshire—*contd.* Fleming, Vol. I., 2181, p. 122, col. 1.

Mr. Fleming had, he said, made inquiries with similar results in other unions. Many imbecile-insane people, feeble-minded people, had offensive habits and were a nuisance to other people, and these ought to be removed; but people of unsound mind who were happy should be left where they were, where everybody was good to them, and tried to make life pleasant for them. Fleming, Vol. I., 2182.

100. In regard to children, Mr. Fleming quoted the case of Portsmouth, where they had got a dozen children in the imbecile block of the workhouse simply because they could find no place to which they could send them to be trained. Speaking generally of his district, which includes Hampshire, Wiltshire, Dorsetshire, and the Farnham Union in Surrey, fifty-four unions, he found that there were 889 persons in receipt of indoor or outdoor relief, as epileptics, idiots, and insane. Of these 696 would be certified as insane, and 193 are sane epileptics. "The proportion of feeble-minded who were not classed as insane was very considerable, possibly half as many as those who were classed." Fleming, Vol. I., 2199, 2185, 2187, 2188, 2190.

101. Of the feeble-minded children in the Bristol Workhouse, Miss F. M. Townsend, member of the Bristol Education Committee and Chairman of the Industrial Schools Sub-Committee, gave a very unsatisfactory account:— Bristol. Townsend, Vol. II. 18324, p. 417, c. 2.

A recent visit paid to the Eastville and Stapleton workhouses she said, showed imbeciles, idiots, and slightly feeble-minded living in wards together, all ages from fourteen to ninety. Hardly any attempt was made to teach or occupy the children. On the men's side the boys were partially separated from the men, but the accommodation was cheerless, and the life of the boys idle and dreary. Slightly feeble-minded children were associated with the saddest, most hopeless idiots. I saw six children who had formerly been in Bristol special schools. Five of them had greatly deteriorated, probably through lack of training and association with low type imbeciles. Three boys had been sent to Starcross by the guardians and returned as too deficient for training in that institution. In each case the workhouse medical officer was of opinion that the boys were improvable, but would deteriorate under workhouse conditions. A girl of fourteen, who had made considerable progress at the special school was associating with a room full of low type imbecile women."

102. Of the adults in the Bristol and Barton Regis Workhouses, Miss Clifford, who has been a guardian for many years, submitted the following notes:— Clifford, Vol. II., 16267, p. 301, c. 1.

"There are just now in Bristol workhouse eighteen men and thirty-four women of weak mind classified as able-bodied. They are chiefly of a very low type. Many of them have been inmates for a long time; others drift in and out again. There were two women who died, one at about seventy and one at about fifty years old, who had been born in the workhouse and had remained there all their lives. Among those eighteen men are some who have been brought up in the Poor Law schools. One man of about forty has been in the workhouse from infancy; he is the illegitimate son of a woman who was believed to have murdered an older child. During the last two years the guardians have ordered him out of the workhouse, not recognising his incapacity to maintain himself. He returns from time to time to the casual wards in a miserable condition. There are not any weak-minded girls in the workhouse who have been educated in the schools or homes, because the guardians have, since 1890, sent all such to one or other of the voluntary homes opened about that time for girls. With one exception, these girls have remained happily in the homes unless they have been discharged to friends. The exception was a girl of curiously restless and mischievous character, who habitually upset the others and had to be dismissed on that account.

"There are seven other girls possibly not quite normal, all over school age, who are employed in the new Home's laundry. They are unfit for service, but are probably backward in various ways, rather than weak-minded, and we hope that after a time they will develop into capable girls.

"The able-bodied weak-minded adults in the workhouse are very useful and generally well-behaved and deserve a less dreary life than they have; they are, however, in the Bristol workhouses, allowed by the doctor better diet, and if well-behaved they are placed in one of the workhouses in a superior living room and dormitory.

"In addition to the above there are a large number of the unmarried mothers, probably about a third of the number, who are of weak mind. Out of 148, fifty-six were, in the opinion of the medical officers, of feeble mind. They have had altogether ninety-five children. The larger number of these children die in infancy, but the preventible suffering is great. It is difficult to trace most of these mothers or to find out whether the children who survive are feeble-minded or not. In some few cases a weak-minded child has returned with the mother, and both have remained for some time chargeable."

Somerset. Wills, Vol. II., 14842, p. 222, cols. 1 and 2.

103. In regard to the feeble-minded and epileptic in the rural districts of Somersetshire, an extremely unsatisfactory state of things has been disclosed. At the Axbridge union, the following typical case is mentioned, in which endeavour was made to provide for a young woman in the asylum for idiots at Starcross, where improvable cases are taken :—

"*Typical Case.*—A.W., sent home from Starcross at the age of twenty-three because she had one fit. She is now in the hospital ward of our workhouse, where she is a source of great trouble and discomfort, whereas with skilled supervision she could be kept employed, happy and harmless.

"Within the last eighteen months three Axbridge cases have been dismissed from Starcross—one because he was unruly; one because she had one fit; one because his heart was bad. These cases were all over twenty years of age and all three have now come back to the workhouse."

104. In rural workhouses, judging from those in the neighbourhood of Axbridge, there is no separate accommodation for epileptics and feeble-minded, whether adult or children. The adults are generally classed with the sick and infirm, to the great danger and discomfort of the latter.

p. 223, c. 1. "Feeble-minded girls and women," it is stated, "form a large proportion of the unmarried mothers who come to the lying-in wards of our workhouses, where they often appear again and again, adding to the rates and to the deterioration of the race by producing sickly and deficient children."

p. 223, c. 1. "Also, sane epileptics of respectable character, are often compelled to enter workhouses because no one is willing or able to care for them. The want of occupation, close confinement, often unsuitable diet of workhouses, are very detrimental to them; they lead lives of extreme misery, and degenerate rapidly into a state of idiocy, or lunacy, otherwise probably preventible. It is a great hardship to class *sane* epileptics with feeble-minded and imbeciles. Dangerous epileptics cannot be compelled to enter any institution, but may, if they choose, remain at home, a constant source of danger to themselves and their families."

Fry, Vol. II., p. 226, cols. 1 and 2, p. 227, col. 1.

105. Miss Fry, another witness, who speaks also of Somersetshire, says in regard to the children that the Elementary Education (Defective and Epileptic Children) Act, 1899, has not been adopted by the Somerset County Council; and that feeble-minded children are therefore to be found either in the ordinary elementary schools or in their own homes, except in a very few cases where they have been sent by the guardians or by private charity to idiot asylums, or to Homes for the feeble-minded. Their place is not in the ordinary elementary school, where their example is bad for the other children, and their habits frequently a source of amusement to them. On account of their backwardness they are sometimes placed with the younger children or infants, and I have seen, Miss Fry says, big feeble-minded children sitting at infant desks and kept quiet by being allowed a slate and pencil. The teachers, especially those in small rural schools, find it impossible to give such children any individual attention, and much time is spent by young monitors in vainly endeavouring to teach them to read, write, and count. From motives of humanity, managers are unwilling to turn these children away, but there are other children who are too deficient to attend school at all, and they have to be kept at home. Some of these children are very difficult to control, and others need more careful and constant watching than their parents can give them; both classes tend to become worse when left without any training. Private charity cannot deal with all these cases. The voluntary homes are full. The guardians on the other hand are unwilling to pay for children who might be dealt with by the Education Authorities under the Act of 1899, if that Act were adopted, and they are also unwilling to contribute much more than such children would cost if maintained in the workhouse.

It is very undesirable, Miss Fry argues, to bring children who are not paupers under the Poor Law in this way, but the inaction of the Education Authorities leads to this. If they are dealt with now, they have to be certified as idiots, and sent to the West of England Asylum at Starcross. But parents often object to their feeble-minded children being certified as idiots, and medical men often hesitate to certify them as such. Further, at Starcross, only children capable of improvement are admitted, children of feeble intellect, viz., those who, unable to keep pace with normal children at an ordinary school, yet possess sufficient intelligence to learn some light trade or industrial occupation, to fit them, as far as possible, to be able to contribute to their own support; and thus, to provide for actual idiots remains a difficulty, while to obtain admission for the improvable feeble-minded they have to be certified as idiots.

106. Further, in regard to Somersetshire, Miss Joseph, who is a Poor Law guardian, and was a member of a voluntary committee for securing provision for pauper defectives, submitted the cases of several feeble-minded women in workhouses. It is unnecessary to enlarge the records of these cases, of which the evidence is practically endless. But two may be mentioned :— Somerset—*contd.* Joseph, Vol. II., 17012, p. 352, c. 2.

(1) Mrs. C., daughter of a publican. She was an only child, married a man who kept a public-house, and took to drink young. Fairly prosperous for some years, but ruined by drink. She came into the workhouse with three sons and one daughter, all certified imbeciles; one son had subsequently to be removed to the county asylum. The daughter is fairly intelligent and if properly trained would have been capable of improvement.

A second daughter, E. C., markedly feeble-minded, came into the workhouse twice for the birth of illegitimate children; the second time she was well over forty. One child, an idiot, died in the house, the other she took out, he got into trouble and was subsequently sent to an industrial school. E. C. afterwards married but after a time refused to live with her husband, who is at present in the workhouse, and from what I am told she is not leading a very respectable life.

A third daughter, J. C., also had two illegitimate children in the house, one of whom was deformed and died. She afterwards married and had five children, two of fair mental capacity and the other three weak-minded. She also is of unsatisfactory character. If it had been possible to detain these women in the first instance the community would have been relieved of considerable expense.

(2) Mother, woman of immoral life. Two daughters, M. and R., both physical defectives, and R. morally and mentally so. M. had one illegitimate child, who died in the workhouse in infancy—previous to admission she was in receipt of out-relief. R. is syphilitic—had one illegitimate child in the workhouse—still-born. Both women are now in the workhouse. There is no classification between R. and the other able-bodied women, which include decent feeble-minded girls, with whom on physical and moral grounds it is inexpedient she should associate.

Miss Joseph summed up her case for reform with the words :—

"The condition of a defective child or adult in a small country workhouse where no special classification, care, or training can be obtained, is an injustice to the individual, and often a source of great annoyance to the other inmates." p. 351, c. 1.

107. In 1900, Miss Joseph stated, an enquiry was made as to the number of pauper idiots and imbeciles in Somerset, exclusive of those in asylums, and special institutions, and statistics were furnished by the unions, which showed that there were 349; 212 being inmates of workhouses, and 137 in receipt of outdoor relief, while the number of sane epileptics was 78, and of feeble-minded, 276. In no workhouse were they under the charge of specially trained officers, or receiving training of any kind, and in many instances their accommodation left much to be desired. An exception should, however, be made as regards the Bath workhouse, where the imbecile wards are excellent, though, even there, definite employments are not taught. These returns could not be regarded as strictly accurate, but the numbers were not likely to err on the side of excess. Joseph, Vol. II., 17012, p. 351, c. 1.

108. Next in regard to Wales. As to children, Miss Evans, Local Government Board Inspector of Boarded-out Children for the Northern and Midland Counties, stated that some boards of guardians do not attempt to classify them. My experience, she says, of the guardians in a small union (North Wales) was that we did not classify. If the child was feeble-minded it was sent to school with the others, and if it was too bad it was kept in the workhouse. If it was not very feeble-minded, it was sent to service. Wales. Walton Evans, Vol. I., 2743.

109. Mr. J. T. Jones, who has been a guardian for thirty-six years and is also a member of the Carnarvonshire County Council, while appreciating the difficulty of classification, and recognising the kindness shown to the feeble-minded by officials, criticised the method of providing for them in small workhouses in Wales. He said :— Jones, Vol. II. 20496, p. 553, c. 1.

"This class is very well looked after as a rule. They are given some light work, and appear to do it very cheerfully. The constant presence of the resident officials, and the frequent visit of the medical officers, are a sufficient safeguard against anything approaching cruelty being practised upon them.

"The classification in small rural workhouses is not of a first rate order. The feeble-minded cannot be accommodated in the same room as the able-bodied, because they would be a source of constant hindrance to the workers. They are consequently housed with the aged and infirm. This arrangement cannot be regarded as a satisfactory one. The old and infirm wish for quiet, and rest, which is impossible while the jabbering idiots and the low grade imbeciles occupy the same rooms as they do. In fine weather the weak-minded are out in some parts of the grounds, but during wet and stormy weather there is nowhere for them to go but to the day rooms of the old and infirm; and also during the leisure time after meals. They occupy the same dormitories as the old people.

Wales—*contd.* Jones, Vol. II., p. 553, c. 1.

"The officers are very kind to these poor unfortunates, but they have no time to give special attention to them; even if they had, very few of them have any kind of qualification to train them in any way, with the result that they are allowed to go their own way, and to live their own lives, which is very little superior to that of a well-cared-for dog or other animal. Notwithstanding all this, one is bound to admit that they are as well cared for as the circumstances of rural workhouses admit. The fact that they have been sent into a workhouse is fair evidence that they have no home or friends outside who would take half the trouble or care as much for them as the officials do."

Returns of feeble-minded persons chargeable to Poor Law, 1905-1906. Appendix Vol. V., p. 75.

110. As a summary of the position, the following returns may be quoted. The returns were made by the clerks to the guardians, that of 1905 at the request of the Local Government Board, and that of 1906 at the request of the Commission.*

In England and Wales, exclusive of London, the total number of those paupers was in 1906 returned at 11,219; and of these 1,275 were in special wards or establishments, 6,319 in other wards, 410 in other institutions, and 3,215 in receipt of outdoor relief.

Thus it will be seen that more than half of the feeble-minded are in wards not specially appropriated to their use, while comparing 1905 with 1906 the figures stand thus:—

England and Wales (less London).	In Workhouses or other Institutions belonging to Guardians.		In other Institutions.	Receiving Outdoor Relief.	Total.
	In Special Wards or Establishments.	In other Wards.			
1.	2.	3.	4.	5.	6.
1905 - -	1,126	5,890	182	1,870	9,065
1906 - -	1,275	6,319	410	3,215	11,219

111. The increase in the total number of feeble-minded who are in the hands of the Poor Law guardians is remarkable—an increase of 23 per cent. This is recorded in most of the counties, and presumably implies rather a closer registration than an actual addition to the number of paupers.† The increase of the number in special wards is due to changes made in one or two counties, as, for instance, Warwick, Lancaster, and the East Riding. On the other hand, it is significant that the feeble-minded persons in receipt of outdoor relief have increased 70 per cent. The figures are:—

Appendix Vol. V., p. 75.

England and Wales (less London).	Men Outdoor.	Women Outdoor.	Children Outdoor.
1.	2.	3.	4.
1905 - - - -	585	1,193	92
1906 - - - -	1,119	1,984	112

The increase in the number of the feeble-minded "in other institutions" (col. 4 in the previous table), from 182 to 410, may be accounted for, in part by a closer registration of mentally defective persons who are boarded in institutions, as well as by an increase in the number of these cases. The increase is general, and marked in such different areas as Essex, Suffolk and Norfolk, Lancaster, the West Riding, Durham and Northumberland.

* With regard to the information given in this Summary generally, it should be mentioned that the registers kept in the Poor Law unions do not specifically provide for a record of persons who could be classed as feeble-minded but not certifiable as insane. The particulars given in the Returns are based on the opinion of the medical officers in the matter.

† The total number of paupers, excluding insane paupers and casual paupers, was in England and Wales on the 1st January, 1905, 808,929, and on the 1st January, 1906, 802,068. *See* Report, Local Government Board (1904–5) p. lvi. and (1905–6) p. cxvi. Thus, while the number of the feeble-minded as returned increased in number, the total pauperism decreased.

112. This mass of evidence is, we think, quite conclusive. It comes almost entirely from persons who, as inspectors of the Local Government Board, or as guardians, are thoroughly familiar with the facts, and it relates practically to the whole country. It might be largely augmented by reference to other witnesses; and it is practically unanimous. It has been verified by the personal observation of members of the Commission visiting Poor Law institutions. Its cumulative effect, therefore, can hardly be set aside. There are special arrangements, here and there, for the care of the mentally defective, and some witnesses suggest that for certain classes the present workhouses may be of service, but it is admitted that, as a whole, the accommodation now provided for these persons is insufficient, unsatisfactory, and unsuitable. It is not alleged that they are treated with unkindness; on the contrary, it is stated that, considered merely as inmates, they are well cared for. Nor, again, is it asserted that the Poor Law guardians throughout the country are to blame. We do not think that any such inference can be drawn from the evidence. The system of indoor relief is, as Mr. Adrian, Legal Adviser and Assistant Secretary to the Local Government Board, has pointed out, a housing system, and of late years, with an increased sympathy for those who are suffering from mental weakness and defect, with a closer study of mental science, and with the general application of the principle of educational equality to all classes of children, including the feeble-minded, there has sprung up a demand for a more discriminative and individual treatment of mentally defective persons, which cannot but entail a reorganisation of the public provision hitherto furnished for the afflicted.

Summary of evidence as to Poor Law accommodation.

CHAPTER III.

Classification in Poor Law Institutions outside the Metropolis.

113. In reference to the present provision for the mentally defective in connection with the Poor Law we have now to consider the question of the classification which is at present in force, and the procedure of boards of guardians as applicable, more particularly, to the admission, detention, and discharge of mentally defective paupers.

114. The better use of existing or additional accommodation in or adjoined to the workhouse depends primarily on classification. In the definition of the word "workhouse" in the Poor Law Amendment Act of 1834, it is stated that it includes, besides "any house in which the poor of any parish or union shall be lodged and maintained," "any house or building purchased, erected, hired, or used, at the expense of the poor rate by any parish . . . for the reception, employment, classification, or relief, of any poor person therein at the expense of such parish." Classification can thus be secured by arrangements within the workhouse, or by the utilisation of houses outside, which may equally bear the name "workhouse."

The system of classification. Poor Law Amendment Act, 1834, Section 109 Adrian, Vol. I., pp. 10, 15, 102.

115. The Order of the Local Government Board as to classification requires (Art. 98) that "the paupers so far as the workhouse admits thereof shall be classed as follows":—

Class 1.—Men infirm through age *or any other cause.*
Class 2.—Able-bodied men, and youths above the age of fifteen years.
Class 3.—Boys above the age of seven years and under that of fifteen.
Class 4.—Women infirm through age *or any other cause.*
Class 5.—Able-bodied women and girls above the age of fifteen years.
Class 6.—Girls above the age of seven years and under that of fifteen.
Class 7.—Children under seven years.

To each class shall be assigned that ward or separate building and yard which may be best fitted for the reception of such class, and each class of paupers shall remain therein, without communication with those of any other class.

General Consolidation Order (Unions), 24th July 1847.

116. This quite general classification, modified and expanded now in many ways, is supplemented especially by two directions:—

(1) That the guardians shall from time to time, after consulting the medical officer, make such arrangements as they deem necessary with regard to persons labouring under any disease of body or mind; and

The system of classification—*contd.*

(2) That the guardians shall, so far as circumstances will permit, further sub-divide any of the classes enumerated in Art. 98 (above), with reference to the general character or behaviour, or the previous habits of the inmates or to such other grounds as may seem expedient.

Thus the guardians have instructions to extend their system of classification in regard to cases of disease of mind, and are also instructed, so far as circumstances will permit, to classify them on grounds of moral character and behaviour, or previous habits, or for any similar reasons.

117. As regards the extension of classification, it appears from the evidence which we have submitted that, except in the case of the certified lunatics, there is among the boards of guardians no general or universal acceptance of the obligation to provide for the care and treatment of the mentally defective, whether idiots, imbeciles, or feeble-minded, in any special or effectual manner. The guardians are no doubt allowed considerable latitude by the words "as they may deem necessary," and "so far as the workhouse admits thereof." But former standards of treatment and classification no longer suffice. With a demand for a more discerning treatment and supervision of individual cases, a better adjusted and more suitable classification is required, equally in the interest of the defectives themselves and in that of the normal inmates who suffer from the infirmities of their fellow patients.

118. That classification which the second instruction suggests is based on habit and behaviour; and though, in that guise, it might be applied to "moral imbeciles," yet its object is a segregation recommended on moral grounds, rather than on those mental grounds which affect the whole management of different classes of mentally defective persons.

Bagenal, Vol. I., 2336.

119. It would seem, then, that if the Poor Law administration of the country were to be expanded to meet the actual needs of mentally defective persons, very great changes would have to be made in its whole structure. The system of classification, so far as it affects this class, would have to be entirely revised. That "intermingling" to which in different processes many witnesses referred would have to come to an end. And, as we shall see, that primary classification by which mentally defective persons receive relief rather as paupers, than treatment as persons suffering from mental defect, would have to be set aside. The present position is indeed fairly indicated by the two following statements. Out of 8,004 feeble-minded persons in receipt of indoor relief only about 22 per cent. were in special wards or establishments of the guardians or in other institutions; and (as Miss Clifford said) "There is of course no *official recognition* of feeble-minded persons as a class, *i.e.*, no Poor Law Order has ever been issued ordering them special classification or treatment. Any consideration of them as persons of feeble-mind is due to the thoughtfulness of medical officers, matrons or guardians. Official recognition is most necessary."

Clifford, Vol. II., 16267, p. 301, c. 1.

CHAPTER IV.

Procedure of Boards of Guardians and Detention in Relation to the Mentally Defective.

Present methods of procedure regarding applications for relief.

120. Before, however, dealing with the classification of the mentally defective by boards of guardians, we think it well to describe generally the procedure usually followed in regard to applications for relief, including applications by, or on behalf of, the mentally defective.

The Application and Report Book.

121. The application is made on his or her own behalf, or on behalf of any member of the family, to the relieving officer of the district of the union where the applicant resides, and it is entered in the Application and Report Book. This book should show, amongst other details, the "Names of the applicants, their wives, and children under sixteen, dependent on them," the applicant's "calling or occupation;" if the applicant be "adult, whether single, married, widow, or widower;" and if the applicant be "child, whether

Bagenal, Vol. I., 2486, 2488.

orphan, deserted, or illegitimate." Next there is the question of physical ability: "If the applicant is ordinarily ablebodied," and "If partially or wholly disabled, and the description of the disability." Then comes the question of the relief already received by the applicant from any source: thus, if "receiving (*a*) medical relief only," or (*b*) regular or temporary relief, and any other, and what relief from clubs, charitable institutions. . . . And then, the "Present cause of seeking relief, or nature of the application." And then there follow questions as to relations liable to assist, and as to weekly earnings and income. The Application and Report Book—*contd.*

122. Two of the notes appended to the form should be added. "4. Care must be taken to inquire closely into the causes of the applications for relief"; and "7. In cases of application arising from infirmity of mind or body, designate the nature and extent of the infirmity; as a 'lunatic,' or 'idiot,' or 'deaf and dumb,' or 'crippled in hand or foot,' or 'helpless from old age.'"

123. The form, if carefully filled up, would give much valuable information. Considering it in the light of the evidence, it might reveal the circumstances of families in which there were one or more mentally defective children; and a thorough scrutiny of the "present cause of seeking relief" might show not only what is the cause of trouble, but also suggest how it might be met. Yet, after all said, the form would seem rather to serve the purpose of a general inquiry, the object for which it was no doubt principally framed, than to serve the purpose of that kind of special investigation which is necessary in the case of the mentally defective. A comparison between it and the form used by the Board of Education emphasises this distinction. The whole object of the educational form is to ascertain the facts bearing on the mental capacity of the child with a view to education; and a similar form applicable to adults would be equally useful in obtaining the kind of information required in cases of alleged mental defect. But the object of the Poor Law form is different, as the work of the Poor Law is different. Its aim is general, and it is suitable primarily for applications made on the ground of poverty or destitution. Hence, if really utilised for cases of mental defect, its use would have to be very largely supplemented by special reports, containing many of the details required in the educational form. For such a purpose it is defective, as it has no close bearing on the chief question, the nature and character of the mental defect itself. Appendices to Vol. I., pp. 685, 688.

It may be said that the district medical officer, or the medical officer of the workhouse, would in all these cases make a special examination of the alleged mentally defective person, and that therefore the nature and character of the form is of little importance one way or the other. This is so far true, that the report of the medical officer is indispensable, whether the form be suitable or not. But, so far as the evidence goes, there does not appear to be, in the administration of the Poor Law, any general system of investigation and record in these cases from the point of view of mental defect, either before or after the medical examination. No other document takes the place of such a record as the education form to which we have referred; and without it the material for the right administrative settlement of the case must often be wanting.

124. Next, in these cases of infirmity of mind it would be the duty of the relieving officer to bring the application with the report of the medical officer before the meeting of the board of guardians or of a relief committee of the board before whom the applicant appears. The applicants, as Mr. Bagenal says, "are destitute—they come before the boards as destitute people, and the guardians are bound by law to deal with them." The guardians representative of different districts, rural, semi-rural, urban, and particularly mining and manufacturing districts, present different characteristics and have different views;" but "the people are themselves beginning to see that the workhouses are much safer and better places for the treatment of these defectives and aged epileptics than their own homes, and the tendency is that they are coming into the workhouse and we are getting more control of them;" and further "the guardians are more and more anxious to deal with this class of unfortunate cases that come before them and to deal with them in institutions of some sort." Bagenal, Vol. I., 2488, 2350, 2335. Bagenal, Vol. I. 2351-2353.

The Application and Report Book—*contd.*

125. Finally, the usual alternatives before the guardians, if applicants of this kind are not certified under the Lunacy Acts, are, either to receive them into the workhouse, and to keep them there; or to pay for their maintenance in a suitable institution; or under certain conditions, if they are children, to adopt them, and so, even if they are outside the workhouse, to keep them under supervision up to the age of eighteen.

Present methods of detention and discharge.

126. As the method of enquiry adopted by the board of guardians is, of necessity, founded on the requirements suitable for dealing with poor and destitute rather than with mentally afflicted persons, so also is the method of detention and discharge. Thus, in the first place, paupers who are dangerous can be kept in the workhouse for fourteen days only.

Adrian, Vol. I., p. 103. General Consolidated Order, Article 101.

"No pauper of unsound mind who may be dangerous or who may have been reported as such by the medical officer, or who may require habitual or frequent restraint shall be detained in the workhouse for any period exceeding fourteen days; and the guardians shall cause the proper steps to be taken for the removal of every such pauper to some asylum or licensed house as soon as may be practicable."

Clifford, Vol. II., 16367, 16384. Fleming, Vol. I., 2213–2216.

In the next place there are in the workhouses other paupers of unsound mind—according to the practice of the individual medical officer—sometimes very many, sometimes very few, who are certified, but not "dangerous." These, if they are certified, must be detained in the workhouse until their discharge. If they are not certified, they can leave, with the usual notice, practically when they like.

Adrian, Vol. I., p. 103. General Consolidated Order, Article 115.

127. Lastly, there is a power of detention which is disciplinary only, and intended to prevent the workhouse being used by inmates for their own convenience.

"The pauper who has not previously discharged himself within one month before giving notice, has to give twenty-four hours' notice; if he has discharged himself once or oftener within the month before giving notice, forty-eight hours—and so on, up to seventy-four hours. Otherwise any pauper may quit the workhouse upon giving to the master . . . a reasonable notice of his wish to do so, and in the event of any able-bodied pauper, having a family, so quitting the house, the whole of such family should be sent with him, unless the guardians shall, for any special reason, otherwise direct."

Clephan, Vol. II., 18499, 18502.

128. Thus we may conclude that the conditions of investigation, supervision, detention and discharge of paupers are devised principally for destitute poor persons, and are chiefly suitable for them, but that they have no bearing on the special needs and requirements of the mentally defective. The regulations that prevent paupers from discharging themselves are applicable to those who are constantly in and out of the workhouse, and, in some measure no doubt, they hamper their movements, but they are not a suitable or sufficient safeguard in the case of the mentally defective, who with their children may frequently be found in the less settled class of workhouse inmates. Thus, as Mr. Bagenal states, "feeble-minded boys, who are practically unemployable, at the age of sixteen, drift out into the high roads and swell the ranks of the nomad class," while "the feeble-minded men in the workhouses are very often 'ins-and-outs.'"

Bagenal, Vol. I., 2341, p. 132, c. 1.

Further, "the powers of detention, which at present guardians possess, do not," he says, "cover what I think are the necessities of the situation with regard to the feeble-minded, be they children or young women."

In these circumstances, the master and matron, and the medical officer of the workhouse, have to rely on contrivance and persuasion in order to prevent mentally defective persons from taking their discharge.

Delay of discharge by remand to ward for observation.

129. One plan is to use a ward in the workhouse for observation. Thus in answer to a question whether at the Newcastle Workhouse "thirty-nine women described as of varying degrees of feebleness—sixteen of them with children—and none of them able to take care of themselves" went in and out, it was stated that to a certain extent they did, but many remained.

Pease, Vol. II., 15061, 15062, 15066.

"Our medical officer," Miss Pease said, "has the power of remanding cases for observation and he uses that in the case of some of these 'feeble-minds' by remanding them for a fortnight at a time, which he continues. I do not know whether this is quite legal, but he has done it now for a considerable time." He remands them and they stay in another part of the workhouse

" under his observation. He has found that useful. When a woman comes up, or a man, and wishes to take their discharge, he says, ' you cannot take your discharge ; you can either stay here in this comfortable ward, or I will remand you to an imbecile ward '—a block of buildings in which the imbeciles used to be kept. I do not think this is strictly legal. The Commissioners in Lunacy were at Newcastle Workhouse some time ago, when a good many of these people were in the imbecile ward, of course not certified. The Commissioners objected to this ; they said they ought not to be there. Then they were dispersed through the house, but the doctor still occasionally uses this method of detention. It really stops them going out of the house. He says, ' I will not discharge you, but I will remand you to this ward under observation.' They do not like it ; they say, ' We will stay where we are.' " Delay of discharge by remand to ward for observation—*contd.* Pease, Vol. II. 15065, 15066.

130. Besides such a contrivance as this, over and over again, as the evidence shows, the utmost persuasion is used to prevent the mentally defective from leaving the workhouse, but very often without result.

131. Another plan is certification under the Lunacy Acts :—

" A great many," Miss Clephan said, " are kept in the imbecile wards who are certified as imbecile, and who have improved. I think they were certified probably in order that their friends should not be constantly taking them out, not particularly because they were imbecile, but because they were difficult to deal with, or because the main body of the workhouse was not the right place for them. They have been considered safest in the imbecile ward. I do not think it is at all a place for them." Detention by certification. Clephan, Vol. II., 18499.

132. Detention by certificate under the Lunacy Acts is also applied in order to remove to asylums imbeciles who are troublesome in the workhouse, or perhaps even, in some instances, to make room in the workhouse.

" Directly an imbecile or feeble-minded person in the workhouse becomes too troublesome to be conveniently dealt with there, an effort is made to obtain his or her admission to the county asylum, and in order to do this it is necessary that the patient should be certified as insane. Therefore many cases which are really feeble-minded or cases of senile decay are classed as cases of insanity merely to authorise their removal from a workhouse to an asylum. It is quite right that they should be removed from the workhouses, but it is not necessary that they should be classed as insane, or that they should receive the expensive care afforded at the asylum. They go there because there is no other institution to which they can be sent." Detention and removal of feeble-minded persons to asylums. Fleming, Vol. I., 2078, p. 115, c. 2, and 2189. Fox, Vol. II., 11553. Clifford of Chudleigh, Vol. II., p. 40, c. 1 & 2.

133. This kind of detention by certificate is due to a cause which is affecting the whole administration of the Poor Law—want of space in the workhouses ; and one result of it is that it very seriously disorganises the accommodation in the asylums. A chief function of the asylums is to cure the patients admitted to them as far as may be possible. They are not asylums merely, but they are, or should be, hospitals for the mentally defective. Dangerous cases, cases of acute mania, are by the Order of the Local Government Board, sent to asylums, and must almost of necessity be there treated. But now " the county asylums," it is said, " are very congested," partly in consequence of the presence of the " feeble-minded or senile " class of patient sent to them by the guardians ; and the treatment of these patients in " county asylums is harmful in two ways : (1) It is more costly than these patients require ; (2) their presence may keep out, or delay the admission of, cases which would really benefit by asylum treatment." This detention, then, is detention in the interest rather of the Poor Law institution than in that of the inmate, or of the community. It is detention owing to want of space—want of space in the workhouse combined with the possible supply of accommodation in the asylum. Fleming, Vol. I., 2078, p. 116, c. 1. Davy, Vol. IV., p. 350, c. 1. Stracey, Vol. VI., p. 362.

134. The converse of this is the detention of persons in the workhouse who cannot be certified under the Lunacy Acts and for whom, thought it be desirable, no provision can be made elsewhere, owing to lack of accommodation in suitable homes or other institutions. This refers expressly to improvable cases. Of it, Mr. Baldwyn Fleming says :— Detention owing to inadequate provision elsewhere. Fleming, Vol. I, 2199.

" At present the provision for the training of feeble-minded children is absolutely inadequate. I was at Portsmouth the other day. They have got about a dozen children in the imbecile block of the Portsmouth workhouse, simply because they can find no place to which they can send them to be trained. If the guardians could find any place to which they could send them, they would send them with pleasure, but there is no place to which they can send them.

" They wanted to send some to Starcross, but those are epileptics. They have a good many cases at Starcross, but Starcross will not take an epileptic case. If a child is feeble-minded and epileptic, it is extremely difficult to find any place which will take him. If, in addition, children have any defect which requires special nursing, such as skin disease, it is additionally difficult to find a place for them.

Fleming, Vol. I., 2199.

"As a matter of fact now there are a very large number of deficient children who certainly might be improved, who are necessarily kept in the workhouse because there is no place to which guardians, with the most willing hearts in the world, are able to send them. I am most anxious that provision should be made for the children, both non-pauper and pauper. That is even more important than for adults, for the children could be done a good deal with.

"The results they achieve at Starcross are simply wonderful. Anybody who has seen what they can do with almost hopeless cases cannot come away without the most complete conviction how very sad it is that the provision does not extend so as to be generally applicable."

Detention owing to unwillingness of guardians to pay for feeble-minded outside.

135. On the other hand, sometimes, perhaps often, the feeble-minded remain on the guardians' hands because they are unwilling to pay for them in an institution: or both causes are at work. The guardians are unwilling to contribute much more than such children would cost if maintained in the workhouse.* Or, if they do so, they are tempted to have "feeble-minded children (such as in London, Bristol, and elsewhere, would attend a special school) certified as *idiots*, in order to enable them to send the children to an idiot asylum."

Fry, Vol. II., 14924, p. 226, c. 1.

Joseph, Vol. II., 17012, p. 351, c. 1.

Detention, certification and removal of "feeble-minded" as "idiots." Fry, Vol. II., p. 226, c. 1.

136. And this, in turn, leads to another difficulty. As the asylums for idiots, or for the feeble-minded, as they are now generally called, take the improvable cases in preference to others, "it is difficult to know what is to become of the real idiots under the Act of 1886." The improvable cases, as we shall see, both in asylums and in charitable institutions for the care of the feeble-minded, naturally are regarded as having the first claim to help; and hence, more than ever, the less improvable cases come under the care of the guardians.

Wemyss, Vol. II., 18513.

Sterling, Vol. II., 14417, 14384.

Evils resultant from present disorganised methods of detention. Fry, Vol. II., p. 226, c. 2.

137. The following typical instance sums up the matter:—

"W.P., a boy of eight or nine, an inmate of a workhouse. This is a case in which the guardians were willing to send the child to a Home for the feeble-minded. Applications were made to seven institutions on his behalf. In two of them, only improvable cases were received and the guardians were not allowed to be the judges as to the possibility of improvement; in two there were no vacancies; two were judged by the guardians to be too expensive —being 14s. and 15s. per week respectively—and one, the county asylum, refused to receive him. The guardians then determined to keep the boy and give him weekly instruction under a lady, and he improved in a few months. The same board have another boy and a girl whom they would like to send away, but having failed in the case of W.P., they have taken no further steps."

Vol. VI., p. 221

138. And incidentally two plans for detention which are noted by the medical investigators may be mentioned. Dr. Tredgold, in Somersetshire, at first thought that a considerable number of the mentally abnormal were certified under the Lunacy Acts, but on asking to see the Detention Orders he found that there were in reality very few. "A very formidable 'quarterly list of lunatic paupers' was sent up regularly to the Commissioners, but the great majority of such persons, although notified, were under no Detention Order whatever, and could walk out of the house any time they felt inclined." In regard to some of the Lincolnshire unions, Dr. Stracey says that the statistics which he submits do not give a correct idea of the number of feeble-minded which occur in the workhouse. "At one workhouse he was much astonished to find every male mentally abnormal case had been certified as insane, and he examined their Detention Orders to satisfy himself as to that point. These cases had been sent to the asylum, but the authorities there would not keep them and sent them back, though in his opinion certainly one of the cases should have been in an asylum. Another workhouse sent most of the mentally abnormal cases to the asylum. The remaining workhouses only sent insane persons away." We have here as elsewhere a conflict of authorities, linked together under no common organisation, similar to that which, as we shall see, prevails under different conditions in the Metropolis.

Vol. VI., p. 302.

139. The above instances are all, or most of them, we may say, improper modes of detention. They are due to the imperfections of the present system, which does not meet the needs of the applicants. A system applicable to poor and destitute persons is turned to account for dealing with the mentally defective. Except in the case of paupers of unsound mind, who can, on certificate, be consigned to an asylum, or detained in the workhouse under the Lunacy Acts, there is no detention undertaken on legal grounds strictly in the interest of the inmate

* The cost of maintenance in the workhouse would be between 4s. 6d. and 5s. 6d., nearly 5s. 6d. (Bagenal, Vol. I., 2509) a week or rather more; at asylums for idiots, and at some charitable institutions it would be about 10s., at others less, 8s. or 9s.

Yet the necessity of detention for mentally defective persons other than lunatics is universally felt. To keep some of these persons in the workhouse contrivance and persuasion are used, but very many are not open to the influence of persuasion, and, after all, contrivance has its limits. The asylums for idiots or feeble-minded and the charitable societies take, as far as possible, the improvable cases and reject the others. The accommodation in both asylums and charitable institutions, whether for the idiots or for feeble-minded, is full or nearly full. These bodies consequently throw the unimprovable cases back on the guardians, who, in their turn, owing to want of space, strive by certification under the Lunacy Acts to transfer their mentally defective patients to the asylums for lunatics. In so doing they cause another evil. They turn the asylum to account in a manner that was not intended, throwing on the country a larger expense and reducing the asylums from what they should largely be, curative and scientific institutions, to refuges for imbeciles, who require care and nursing and simple supervision, but not the peculiar treatment and oversight of a hospital specially devised, in a large degree, for acute cases. Lastly, the asylums for lunatics become "congested," for in the struggle for space they serve as the final clearing ground. Thus everywhere we find—and it is an entire confirmation of our argument—that it is urged either that the asylums should not be extended, on the ground that they are institutions too expensive for the cases for which accommodation is desired; or that, if they are enlarged, only comparatively cheap and simple buildings, suitable for imbecile or senile cases, should be added to them. All are in favour of detention, but obviously, if the method of detention is extended, the lack of suitable accommodation, which is now so generally felt, must become an overwhelming difficulty, unless the accommodation now available is greatly augmented, and more aptly designed for the needs of the different classes of mentally defective persons.

Evils resultant from present disorganised methods of detention —*contd.*

140. This statement presents only the evidence of persons connected with the Poor Law. We will consider later on the opinions of those who are interested in the question from educational and other points of view. In the meantime, two or three conclusions may, we think, be drawn: (1) that if the present extremely unsatisfactory state of things is to be improved, some system of classification of the whole of the mentally defective class from lunatics down to the feeble-minded must be devised and generally accepted, so that each institution, and each group of institutions, shall fulfil a definite purpose and deal with a special section of the whole class. And (2) that consistently with this system of classification, whatever it be, there must be a method of certification, so that those for whom the special type of institution is deemed necessary should have a certificate granted under whatever conditions of time, renewal of certificate, etc., may be deemed indispensable to ensure the proper use of that type of institution. Lastly, (3) it is evident that a large increase of accommodation is necessary, and that for that purpose the utmost use should be made of any available accommodation, if it be only until a more complete and properly classified provision can be made.

General conclusions on insufficiency of present system.

141. With these general conclusions before us, we have to ascertain what are the opinions of guardians, and Poor Law officials, as to the methods of certification, detention, and discharge which should be adopted with a view to a proper system of classification and treatment, and then what proposals they have to make for meeting the want of accommodation, either by the adaptation of existing institutions or by the creation of new agencies.

Suggestions in regard to detention from the Poor Law side.

142. The need of detention is evident, in order to prevent the degradation of many of the mentally afflicted. In many instances, detention in the workhouse would appear to be desirable, at least as a temporary measure; and at the outset, we would point out that the principle of enforced detention in the workhouse has, in certain circumstances, been accepted by the legislature. In the Poor Law Amendment Act of 1867 there was this section: "When there shall be in any workhouse a poor person suffering from mental disease, or from bodily disease of an infectious or contagious character, and the medical officer of such workhouse shall upon examination report in writing that such person is not in a proper state to leave the workhouse without danger to himself or others, the guardians may direct the master to detain such person

30 and 31 Vict., c. 106, Section 22.

Suggestions in regard to detention from the Poor Law side—*contd*

therein, or, if the guardians be not sitting, the master of the workhouse may, until the next meeting of the guardians, detain him therein, and such person shall not be discharged from such workhouse until the medical officer shall in writing certify that such discharge may take place: Provided, however, that this enactment shall not prevent the removal of a lunatic to a lunatic asylum. . . ."

143. By the Lunacy Act, 1890, 53 & 54 Vict., c. 5, Sec. 342, this clause was repealed except as regards persons suffering from bodily disease of a contagious or infectious character; and clauses in the Lunacy Act of 1890, Sections 20 to 26, took its place in relation to the detention of insane paupers in workhouses. The words "mental disease" of the Act of 1890 were thus construed as equivalent to the words "lunatic or idiot or person of unsound mind" in a certification under the Lunacy Act; and the clause in virtue of which mentally defective persons, on a broad interpretation of the phrase "mental disease" might have been detained, was so modified as to be inapplicable to the bulk of the class which we are now considering.

See Form of Certificate No. 11—for detention in workhouse.

Detention of young persons "over 16." Fleming, Vol. I., 2078, p. 115, c. 1. and 2. 2125, 2132, 2203. Skinner, Vol. II., 14826. Fleming, Vol. I., 2143, 2255, 2123, 2266.

144. Now, however, further suggestions for detention and control have been made to us. Until sixteen a mentally defective, like any other child, can be detained in the "workhouse," unless, dependent on parents, he or she leaves the house with them when they go out. At sixteen, it is suggested, the guardians might have permissive power to detain, just as they have now permissive power to adopt, children, under certain conditions, till the age of eighteen. This power would be exercised subject to certification, the certification being entirely distinct from that under the lunacy laws. Or a further suggestion, the guardians, or possibly some other authority, might be given a power to detain without limit of age, subject to restrictions which would guard against any improper exercise of power, though the parents or anybody *in loco parentis* should have some power of appeal if they wanted to have a child under their own control. The guardians, or some other authority with the power of detention, would have also a power of discharge similar to that they have under the Lunacy Acts, if they thought discharge safe. There would thus be created a system of detention, without any limit of age, applicable to the individual case.

Fleming, Vol. I., 2078, p. 115, c. 2.

To make this policy practicable, it is urged that intermediate institutions should be established:

(*a*) Between the workhouse and the county asylum; and

(*b*) between the county asylum and the costly private asylum.

Fleming, Vol. I., p. 116, c. 1. 2143, 2146.

The intermediate institutions would take "feeble-minded and harmless cases of mental failure from ordinary senile decay." Further, for the control and education of feeble-minded children, there should, it is said, be yet other institutions in which the guardians should pay for their maintenance and education, for "it seems very clear that the workhouse is not the proper place for any person of defective intellect who can benefit from treatment or who requires special care or mental nursing." And coupled with this, again, the suggestion is made that the county councils might establish and conduct these institutions and exercise the powers of detention.

Fleming, Vol. I., 2078, p. 116, c. 2.

This statement represents very fairly the general tenor of the proposals for detention which have been frequently pressed on us in many vague forms.

Long or permanent detention. Townsend and Jefferies, Vol. I., 4259. Sayer, Vol. II., 19007, 452, c. 2. Clifford of Chudleigh, Vol. II., 11711-11712. Raw, Vol. II. 18083, 18090-18098.

145. In cases of long or permanent detention, some witnesses suggest that the medical certificate of an expert should be required, in addition to any certificate that may be granted by the medical officer of a workhouse; that the detention should be approved by a magistrate, and that it should not be final, but renewable from time to time. Or again, it is suggested that "powers should be given to magistrates upon the application of boards of guardians to make an order for the detention of feeble-minded persons for a fixed period of, say, twelve months; such order to be renewable." In this case, presumably, the medical officer of the workhouse alone would be required to give the medical certificate. Speaking of feeble-minded women who "come into the workhouse repeatedly with various illnesses, and with illegitimate children," Dr. Raw, Visiting Medical Superintendent, West Derby Union Infirmary, Liverpool, agreed that pending any large change the medical officer should give a certificate

Raw, Vol. II., 18086.

of detention on the birth of two illegitimate children; and that for longer detention in a colony, the certificate should be safeguarded by the certificate of a magistrate-and two medical officers, be in force for two years, and be subsequently renewable; and the applicant should also, he suggested, be examined and re-examined very often. Another similar suggestion was pressed on us by Mr. Fox, who gave evidence on behalf of the Somersetshire County Council, in regard to "feeble-minded or immoral women," namely, that "additional power should be given to the guardians under the Poor Law to detain permanently such cases as apply a second time to any workhouse" on account of the birth of an illegitimate child.

Long or permanent detention—*contd.*

Fox, Vol. II. 11455, p. 30, c. 2. 11520, 11542-3, 11577.

146. It was also suggested to us that all children under sixteen who are not paupers or detained in asylums, should be cared for by the local education authority; that, after sixteen, they should be maintained by boards of guardians in their own institutions, supplemented to some extent by voluntary homes in those cases in which the parents were able to contribute to their support; and that the certificates for detention should be granted for a fixed period and renewable, and should not require that the patient is of "unsound mind," as those words are now interpreted. On this proposal, except in lunacy cases, the board of guardians would become the sole local authority over mentally defective persons after sixteen; and before sixteen, except in lunacy cases, the local education committees would be the sole local authority. But, it should be remembered that apart from its meaning under the Lunacy and Idiots Acts, "detention" covers many different issues; detention of a person in a workhouse, or in some special quarter, ward, or building attached to a workhouse; in an "intermediate institution" in the case of a person discharged from a workhouse; in a boarding and training home; in a custodial home established and managed by a public authority; in a voluntary or charitable home, certified and inspected; and lastly, in a colony.

Detention suggested under Local Education and Poor Law Authorities.

Curtis, Vol. II., 18946.

147. On this evidence these two questions arise:—

(1) How should the workhouses be used in cases in which detention is necessary? What classes of mentally defective persons should be allowed to remain in them, either provisionally, until other arrangements are made, or permanently?

Detention: whether in workhouses or elsewhere?

Any system of detention which we can recommend will be largely regulated by this consideration.

(2) What other forms of detention should there be? Should we have one system of certification and one method of admission in regard to all these various institutions, or should we have several? With this question we will deal later.

148. To take, then, the former question now. Almost all those who have made suggestions from the point of view of the Poor Law take for granted that in some way institutions will be established to provide for the mentally defective at different periods of life, and thus under various conditions of detention.

There is great variety of opinion as to the use that can be made of the workhouses. Some would use them for "inoffensive" feeble-minded people, who "get fond of the workhouse and of the people in the workhouse and they practically go along their normal life." They are "perfectly harmless in the workhouse" and "they do a great deal of useful work."

Bagenal, Vol. I., 2403. Fleming, Vol. I., 2181, 2182. Fox, Vol. II., 11455, p. 30, c. 2.

149. In this relation Miss Skinner's evidence as to York, and Miss Clifford's as to Bristol, may be quoted. Miss Skinner described the sick and imbecile wards and their inmates. She said:—

"I have been in charge of the sick wards, lying-in wards and imbecile wards for the past five and a half years. The number of beds in the infirmary are 277, and the number of beds in the imbecile wards are seventy-eight. . . . . I find, as a rule, that epileptic patients are good, clean workers, and nine of these cases are employed in different ways in the wards, and they do work that, if they were removed from here, either women from the body of the house or paid people would have to do. Four of these cases do scrubbing in the wards. Three of them do all the repairing of linen, etc., for the floor. One washes up after each meal and keeps the day room tidy. One helps about, doing odd work. The other cases are not able to do much, as several are old and infirm or otherwise unfit to work. The beds in the imbecile wards are all occupied always. . . . Many of the imbeciles are able to do a certain amount of work, but they need constant supervision or they forget; a few of them go to the laundry every day. On the whole I find the patients are very happy and contented, and I consider that imbeciles, decided feeble-minded cases, and idiots, can be well cared for in any workhouse, and from my own experience these cases are well cared for in workhouses, and I think it is

Skinner, Vol. II., 14784, p. 218, cols. 1 and 2.

Detention: whether in workhouses or elsewhere?—*contd.*

the proper place for them; all they need is kindness and proper care and supervision. Some of the patients have been here for years, and they are clean, healthy, and happy, and I know the most sensible of them would not like being removed. Much depends on the attendants, but if trained nurses are employed to look after these cases, they are better cared for."

Speaking of the utilisation of the workhouse for feeble-minded women, also, she says:—

Skinner, Vol. II., 14833.

"I think a great deal could be done in workhouses in getting people detained, transferring them from the lying-in wards when they appear to be feeble-minded. I think the medical officer could do a lot in those cases."

Clifford, Vol. II., 16285.

150. Miss Clifford, a guardian of the Bristol Union, suggested that many of the weak-minded girls might be detained in the workhouse in separate quarters, and that very likely they would be able to undertake the whole of the laundry work of a large workhouse with supervision: the present adults in the workhouse might be detained in that way, in buildings attached to workhouses; but she added:—

Clifford, Vol. II., 16288–16289.

"Of course, the life in some of the small institutions is very preferable. I should be very sorry to see some of our feeble-minded girls, who are in some of the voluntary institutions, living in a workhouse. I think for those at present in the workhouses it is much better that, they should remain in suitable quarters in the workhouse. . . . . I should not propose to take the weak-minded inmates now in the workhouses, and put them into a voluntary institution. It would not answer after youth. They rarely receive any but girls straight from our schools into the voluntary institutions."

Clifford, Vol. II., 16332.

151. And speaking of imbeciles, both of the feeble-minded and imbecile people now in the workhouse at Bristol, Miss Clifford said:—

"I think that the ideal workhouse is a very suitable place for them, but the real workhouse is never ideal. Their happiness and well-being depend entirely on the people who are their attendants. There is the greatest possible difference in the tone of different imbecile wards. If you have a good, kind, careful headman, the people are very happy. We have two workhouses, everything is doubled unfortunately at present. In our men's imbecile department at one of the workhouses they are as happy and well-to-do as possible. The same thing applies to the women. I am rather influenced in giving an opinion on the subject by the fact that we women guardians can do a great deal for these people. There is one of our ladies who gives a very great deal of time and attention to them, and has very much brightened their lives."

Fox, Vol. II., 11457.

152. Other witnesses make more detailed suggestions. They propose that compulsory powers should be imposed on the Education Committees of counties and boroughs to send all such imbecile or defective children as cannot be instructed in primary or secondary schools to training schools provided by the county councils, and (*a*) that no children should be discharged from these homes "except such as under periodical medical examination can be certified as of sound mind"; and (*b*) that such as cannot be so certified, should be drafted to special departments of county or borough asylums—or "if they are only very slightly defective, they might be drafted into our workhouses and live there as useful persons." The power of certification by a magistrate and doctor would also be extended to the case of feeble-minded women who might be kept "under the name of idiots or imbeciles as members of the workhouse, where they are extremely useful in cultivating the garden or doing housework." "As a rule, it is said, our workhouses are very good homes for feeble-minded persons who are not violent." Mr. Fox added; "I consider that all these feeble-minded, whether such men as you have last mentioned or those who might be included in a wider scheme of certification, or these evil women who do so much harm in the world, should be detained in the workhouse under the powers of detention which we have."

Fox, Vol. II., 11455, p. 30, c. 2.

Fox, Vol. II., 11479.

11483.

Fox, Vol. II., 11484.

Fox, Vol. II., 11542, 11543.

153. In effect on this evidence we might, under definite conditions and safeguards, recommend the retention of inoffensive mentally defective people in the workhouses under certificate either permanently, or, if other more suitable provision were made, temporarily.

General conclusions as to utilisation of workhouses.

154. We are of opinion that, subject to special inspection as to the fitness, arrangements, and organisation of the particular workhouse, and subject to due individual certification, the older "inoffensive" mental defectives who are not "improvable" might be left in the workhouses in some cases permanently, in others temporarily, or at least until a general system for their care has been instituted. Our policy, indeed, would be to utilise particular workhouses, so long as is necessary for some cases, and perhaps permanently for other cases; but to do this, subject to a much more efficient system of inspection and certification; and chiefly as an interim measure, while more suitable provision for these classes is being organised.

CHAPTER V.

Suggestions for Improved Classification in connection with Poor Law Institutions.

(i). Classification by Adaptation of Workhouse.

155. The need of more accommodation for the mentally defective is admitted on all hands, as this report will witness again and again. To meet this, various suggestions have been made for the better use of unoccupied space in workhouses, and for the supply of additional accommodation by concerted action between boards of guardians.

156. One scheme which has been discussed is the adaptation of the workhouse of some one union in a county to the requirements of a custodial home, so that one or more classes of the mentally defective should be sent there by the guardians throughout the county. In some counties there are workhouses which are partly unoccupied. The cost of the supply of new accommodation is likely to press hard on local ratepayers, who already complain of the serious increase in the educational rate, and, especially in rural districts, where there is a comparatively low assessable value they feel keenly any large addition to their common charges. Accordingly, in these districts more particularly, the adaptation of an existing workhouse has seemed a possible device for providing the accommodation now required at a minimum cost.

As Mr. Bagenal, a General Inspector of the Local Government Board, says:—"The great difficulty is that the rates are going up. People will not do anything which makes the rates higher. They say, 'this is a small matter, these feeble-minded folk are insignificant; we will disregard them.' That is the great practical difficulty in the front of all reformers—the financial side of it." Where there is a high and increasing assessable value, considerations of economy may have less weight; but in rural counties they are a chief part of the problem. Bagenal, Vol. I., 2377. Acland, Vol. II., 11611. Cooke, Hurle, Vol. II., 11752.

157. Lord Clifford of Chudleigh, the Vice-Chairman of the Devon County Council, and Chairman of the Asylum Committee, and Sir C. Thomas Dyke Acland, the Chairman of the Devon County Council, have submitted to us a scheme, of which the utilisation of the workhouse forms part. This scheme we will describe. Suggested scheme for utilisation of workhouses in Devon.

It appears that, in Devonshire, the pressure on the county lunatic asylum has been very acute. To a great extent, this has been caused by the readiness with which idiots, imbeciles and epileptics have been certified as lunatics, and sent to the asylum. For many of these, nothing could be done "beyond careful nursing and good and suitable diet." The asylum committee of the council protested, and issued notices to the board of guardians asking them to send only acute cases, but without result. A select committee was then appointed by the county council, and it reported that "it should be the duty of county councils to provide suitable accommodation in separate institutions for the proper treatment of all pauper imbeciles and epileptics." The advantages to be gained by this course would be, it was stated:— Clifford of Chudleigh, Vol. II., p. 40, c. 1. Clifford of Chudleigh, Vol. II., p. 40, c. 2.

"(1) That the expensive buildings and staff necessary for an asylum for lunatics would be unnecessary for these classes.

"(2) That it would be possible to train and employ the patients in useful and remunerative occupations which it is impossible to do to any considerable extent in a lunatic asylum.

"(3) That the patients themselves would be more favourably situated in separate establishments than in association with lunatics.

"On the question of cost, each patient in the Devon County Lunatic Asylum cost about 12s. 6d a week, including the cost of buildings. The cost of maintaining an imbecile or epileptic pauper in a workhouse varies in the county from 3s. to 7s. 6d. a week, the minimum sum being the charge in a purely rural union, and the maximum being the charge in a union largely composed of thickly populated urban districts."

158. The Devon Asylum is authorised to accommodate 1,254 patients. It was found in 1905, Lord Clifford stated, that of the inmates, 243 could be removed from the asylum if separate buildings were available. Of this number, 125 were epileptics, 80 were imbeciles, and 38 were idiots. 60th Report of the Lunacy Commission, p. 229. Clifford of Chudleigh, Vol. II., p. 41, c. 1.

Besides these, in the union workhouses in the county there were approximately 245 imbeciles (including idiots), and five dangerous epileptics.

Suggested scheme for utilisation of workhouses in Devon—*contd.*

Besides these, again, a county return showed that, apart from inmates at the Starcross Idiot Asylum, there were 153 mentally defective children; sixteen mentally defective and epileptic; and thirty-two epileptic, but not mentally deficient: in all 201. Clifford of Chudleigh, Vol. II., p. 41, c. 1.

159. For the adult imbeciles and epileptics, the county council found that they had no power to provide separate accommodation, and they were of opinion that additional accommodation for lunatics was not to be desired. They wished to have the power of providing for "non-lunatics" conferred on them. Similarly in regard to the children, they found that they were unable to make any satisfactory provision. Seventy-five of these children were in attendance at public elementary schools, but the remainder were not receiving instruction in any form. Probably about a quarter of the total number would "receive benefit by being detained in a colony or workhouse ward and taught in the usual way." Clifford of Chudleigh, Vol. II., p. 40, c. 2. p. 41, c. 1.

160. The proposals made upon this summary of the facts were these:—

(1) That in the interests of the whole community, for reasons not only sanitary but also economical, it is undesirable that imbecile or feeble-minded paupers should be sent to lunatic asylums. Clifford of Chudleigh, Vol. II., 11689.

(2) That, as the workhouses in the county are not full, an existing workhouse might be utilised as a home for the feeble-minded, and the paupers, in the workhouse utilised, accommodated in some other workhouse. 11691.

(3) That the county council should have power to make provision for feeble-minded paupers in such a building. 11694. 11695-11696.

(4) That the entire county, under the county council, be a union area for providing and maintaining an institution for the feeble-minded and that the charges be met by a rate imposed on the various unions according to population and rateable value.

(5) That the management of these institutions might be left very much to an outside committee of the county council, but that the council should have power to supervise expenditure and to nominate a large proportion of its members so that the committee should be "something outside the actual work of the county council, although the county council would have to have a certain amount of control over it." 11740.

(6) That, with the exception of the expense of increased accommodation, the charge for maintenance should not exceed that of the more costly workhouses of the county—about 7s. 6d. a week. 11729.

(7) That as the "outside committee" of the county council would act as a county authority no "idea of pauperism would linger about it." 11708.

(8) That in the case of children reported to be feeble-minded, inquiry would be made to ascertain whether or not "their own surroundings afforded a sufficient and reasonable method of taking care of them," and if they did not, the children would be removed to a place where they would receive proper attention. This should be done on the order of a magistrate; and the order should be revised at stated intervals, "because no doubt a certain number of these feeble-minded people might recover sufficiently to be allowed to go back to their friends." 11709. 11712.

(9) That the chief reason why the guardians did not retain the imbecile and feeble-minded paupers, was that, when sent to the lunatic asylum they received the 4s. Exchequer grant towards their maintenance. "I do not think," Lord Clifford said, "from what we hear from the guardians, that the guardians are at all desirous of taking these feeble-minded; they would like to get rid of them as well. The temptation is to send them because they have only to make the contribution of a balance." 11721.

(10) That the counties might combine, where necessary, on some such lines as those indicated by Sir C. Thomas Dyke Acland, who gave evidence on behalf of the County Councils Association:—

Acland, Vol. II., 11667. "I should have thought you might ask the contributing counties to send up so many representatives, not necessarily from the county council, but appointed by the county council, and they would form the governors of such an institution as this, and be responsible just in the same way as the ordinary visiting committee of an asylum are responsible for the management of that. . . . . I should be almost in favour in that case of having some one nominated by the Local Government Board. I think you ought to have some special expert in a governing body distinctly . . . As to the finance, I should suggest in the first place that the parents should contribute something, say 2s. or 2s. 6d., according to their grade, and then the county also would have to contribute something. I 11668-11669.

should think that a good basis for any financial grant from the Exchequer would be the cost of the staff, because the cost of the staff would not vary very much up or down, and, in my opinion, the dismissal of the staff ought to be in the hands of the Local Government Board rather than in the hands of the governors, and appointments made subject to their approval."

Acland, Vol. II., 11670.

Suggested scheme for utilisation of workhouses in Devon—*contd.*

161. This scheme, it will be noted, provides for a standing committee of the county council responsible for the treatment of the imbecile or feeble-minded and epileptic paupers on behalf of all the unions. This committee is to be a nominated committee, composed in great part of persons who are not members of the council, and it would thus differ from the Asylum Committee of the Council, though in some ways its duties would be similar. The county council itself would assume a relation to its special Standing Committee not unlike that of the Metropolitan Asylums Board to the Poor Law guardians of the London unions. The classification of the mentally defective would be arranged as for the whole county—for a population of about 665,000 persons—and would be applied on lines consistent with the arrangements made for the accommodation of lunatics at the county asylum, not, as at present, adopted without regard to them. Counties requiring only a comparatively small amount of accommodation for a particular class would combine with other counties in order to provide a common institution. The scheme, too, is economical; and if the grant in aid which was received from the Exchequer were payable to the county council, the special Standing Committee of the council which would maintain its institutions, in part out of the county rate, in part out of the payments of relatives, and possibly in part out of the payments of boards of guardians, would itself receive and retain the Exchequer Grant which, in the case of lunatics, now passes to the account of the guardians. This change would greatly alter the position. On the strength of it the county council committee might offer such terms to the guardians as would induce them to send—not any cases they might wish to be rid of, such as the feeble-minded and imbecile paupers now sent to the Devon County Asylum—but such cases as the committee, on inquiry and certificate of detention, considered suitable for the particular institutions of which they had charge.

Acland, Vol. II., 11595–11597.

Clifford of Chudleigh, Vol. II., p. 40, c. 1.

162. This scheme appears to us to have been very carefully devised, but judging from the evidence submitted to us by Mr. Baldwyn Fleming, a General Inspector of the Local Government Board, and other witnesses, there is one weak point in it. To utilise any of the workhouses in a county as a home for the imbecile and feeble-minded would be very difficult. Mr. Fleming, in his evidence refers, it is true, in part to another class of the mentally defective—the senile cases; but he refers also to the feeble-minded, and so far his evidence is apposite.

"I do not think," he says, "that provision for accommodation for cases of senile decay and cases of chronic feeble-mindedness need be more expensive than workhouse provision . . . A good many of these cases are bedridden, and you would want more cubic space than where you had to deal with the able-bodied, but I think that the provision made in the ordinary workhouse sick ward would be quite enough for cases of senile decay and for ordinary cases of feeble-mindedness that merely want observation and proper nursing to prevent bed-sores, and to keep them clean, and details of that kind. . . If you could get one workhouse to spare, the accommodation might be sufficient for the class of case you are referring to. Can you get a workhouse to spare? . . . Can you get any board of guardians that is willing to be wiped out? I have never found one yet. I have tried to dissolve a union, but I have found I have had to give it up, because they would not consent to be dissolved. If you cannot wipe them out, you must get them to consent to take one particular class. If you combine by workhouses, would you get any board of guardians that would consent to take, as their class, the feeble-minded, the epileptic, and the insane" [*i.e.* cases of senile dementia]? "I do not think you would. Then you bring in the element of distance, which to me is a very serious one. The workhouses are now so placed that they are practically as a rule the centre of their own unions. The guardians come from all their parishes, the clergy come, the carriers come; there are endless sources of communication between the different parishes of the union and the union at the centre. By that means the people in the workhouses are kept more or less in constant touch with their old associations and their old homes; and their friends can come and see them." In the average union the boundary is perhaps seven or eight miles from the centre. . . . "Supposing you remove those people twenty miles away . . . that is a very great hardship, and one which would, I think, especially affect the sick and the feeble-minded. . . . I think that the interests of the feeble-minded and their relations are deserving of very serious consideration."

Fleming, Vol. I., 2176–2177.

2179.

2179.

2180.

163. Accepting then the scheme submitted in outline by Lord Clifford of Chudleigh as, subject to certain modification, suitable for most counties, we think that reliance cannot be placed on obtaining the accommodation required by

General conclusions as to the Devonshire scheme.

General conclusions as to the Devonshire scheme—*contd.*

taking over a partly occupied workhouse and dispersing the remaining inmates among other neighbouring unions. To take over the workhouse, it would not indeed be necessary to eliminate the board of guardians; the board of guardians might remain and might deal with such applicants as required indoor relief by placing them in neighbouring workhouses. Yet, even so, undoubtedly the plan would be difficult to execute. The workhouse serves as a poorhouse for those in the union who are aged and unable to work, and, as part of the equipment of public poor relief, some such house is almost indispensable. Possibly however, a standing committee of the county council could make arrangements for boarding patients in suitable workhouses under proper safeguards, at least as a temporary measure, on the lines now frequently adopted by urban unions who place their aged poor in the partially empty workhouses in country districts.

Suggested arrangement between country unions.

164. Mr. Vallance, who was for thirty-four years clerk to the Whitechapel Union, proposed an arrangement among country unions for mutual assistance in the care and classification of different classes of the mentally defective. He combated the view that it was necessary to form a separate district board consisting of the representatives of the associated unions, with a separate staff and much additional outlay and expenditure. He said:—

Vallance, Vol. II., 14631, 14632, 14635.

"The difficulty I see in the way of unions combining for the purpose of providing for certain classes of poor under a separate district board is the enormous expense to which it leads. My suggestions go in the direction of utilising as far as possible present means, trusting to medical inspection for development of provision in the future; not to launch all at once a scheme for big institutions. May I put it in a concrete form? Here are four, five, or six country unions; they have conferred together as to the best mode of providing for their feeble-minded children or adults; they have come to the conclusion that Union A. has got a separate building or a building which can be adapted to the special needs of this class, and the others would be prepared to enter loyally into the agreement for the maintenance and detention of those children there. In that case, with buildings already, in many cases, in existence, their needs would be provided for at a minimum cost. The country workhouses usually have a considerable portion of land attached to them, and certainly if five or six or even a larger number of unions get into combination and come to a mutual agreement they will soon find the workhouse which is best adapted to their purpose. In any adaptation of that sort there is no staff and no special administration."

165. This scheme is suggestive, and it indicates what may be done if some common authority could use the workhouses according to the needs of particular cases, instead of, as at present, guardians of particular unions receiving into their workhouses cases of every kind. There is, however, another criticism on Lord Clifford's scheme, and, in a lesser degree, on Mr. Vallance's. The Devon proposal is to utilise one workhouse in the county for the imbecile and feeble-minded; but it is evident that one workhouse adapted as a home would not suffice for dealing with the various classes for which provision is required—as, for instance, with the class of respectable girls who now "have to be placed in the same wards with women of the very worst type" and the many other classes of the mentally defective. On the other hand to classify, or rather separate, the girls in the rural half empty workhouses would in some cases be almost to commit them to solitary confinement. "There is occasionally an attempt at classification by day," Miss Fry states, "but they generally sleep in the same dormitory. Some of the girls by day are taken away from these women to do work in other parts of the house. . . . I am frequently told by guardians that there are a great many empty places, and that from the point of view of economy the workhouses ought to be utilised for some special class, but at the same time those very guardians say they do not think the workhouses would be very suitable places; they recommend them on grounds of economy."

Fry, Vol. II., 15023.

Fry, Vol. II., 15025, 15026.

Necessity of a larger scheme.

166. With this opinion we agree. We think that though under the conditions we have mentioned in paragraph 154 particular workhouses might be used temporarily for "imbeciles, decided feeble-minded cases, and idiots," they are not suitable for mentally defective girls or women who are in any sense "improvable" and for whom fitting provision can be made in voluntary or other homes. So also with cases of mental defect of other types. Indeed it seems to us that to meet the great diversity of these cases a proper classification must necessarily entail a larger scheme which would permit of much more diversified methods of treatment than could be provided by workhouses or by any single county workhouse, however carefully it might be adapted to its new purpose.

Wemyss, Vol. II. 18505. p. 430, c. 1 & 2. Sterling, Vol. II. 14377, pp. 190–191. Pease, Vol. II. 15060, p. 232. c. 1 & 2.

(ii.) Classification by Special Establishments in connection with the Poor Law.

167. The schemes we have next to consider refer chiefly to urban or quasi-urban areas, or to these in conjunction with the rural areas with which they may be most naturally associated. The financial position of these urban districts is very different from that of the rural. Here we find usually an assessable value that in recent years has largely increased; and the difference indicates one point in our problem, namely, whether, in order to deal effectually with the mentally defective, a financial scheme can be adopted which will secure to districts with a low assessable value some of the advantages available for districts where the assessable value is rising. To effect this and other results, some form of combination is clearly necessary.

Branch Institutions under Poor Law insufficient to meet necessities of the case.

168. To provide sufficient and suitable accommodation with proper classification, it is not enough for a board of guardians to open branch establishments for classes of the mentally defective—useful as that is as a partial measure. This the Preston board have done by opening a branch workhouse for male imbeciles and insane epileptics at Ribchester, and the Liverpool Select Vestry by opening one for female imbeciles and insane epileptics at Dingle Mount. Also, for epileptics, not classed as insane, the Liverpool Select Vestry have a branch workhouse at Highfield, and the West Derby Union have also a branch workhouse primarily intended for this class. Moreover, the Manchester guardians have provided separate quarters at their Crumpsall workhouse for this class, though the epileptics, finding themselves rather dull, asked to be allowed to go back among the imbeciles. So elsewhere, in many unions separate blocks or quarters or wards have been opened for special classes, as part of the more detailed classification of the workhouse; and hitherto this indeed, rather than the institution of separate establishments, has been the method preferred in providing for the mentally defective in urban areas. But neither method suffices for the classification, which the evidence that we have taken would appear to require and to justify: and hence various forms of combination, either of unions, or counties, or Poor Law Authorities or lunacy authorities, with or without co-operation with voluntary institutions, have been outlined and proposed.

(iii.) Classification by Combination of Unions.

169. The object of combination is classification, and it is evident that, if classification is to be pushed as far as many witnesses propose, the establishments required should be very various. For sane epileptics, and for insane, there should be separate homes or settlements; for idiots and unimprovable imbeciles, custodial asylums; for mentally defective children, special training schools or classes or boarding homes or colonies, and for mentally defective adults, colonies or open-air settlements. Also, as in London, for harmless certified lunatics, some special provision might have to be made, outside the ordinary workhouse buildings. It is clear, therefore, that as classification becomes more detailed, the district for which the institution is established must be enlarged; and it must deal with a larger area than that of a single union, even if the union be urban and populous. On the other hand, if the union be rural, it will have to deal with a few cases only and will rather desire to take advantage of any general organisation that may be available than to form part of a fixed combination. And in fact this represents a general division of opinion. In populous urban unions, though additions be made to the Poor Law buildings in order that they may meet new and more various needs, boards of guardians are pressed to deal with large classes of mentally defective paupers by combination with other unions, whenever they cannot do so by the mere extension of their workhouses. In rural unions, on the other hand, as we have seen, there is often sufficient or indeed ample space, but it is not possible to turn it to account and to make a satisfactory working classification with only a few inmates. Hence the two methods are suggested, combination and the use of special institutions by contract or by payment in the individual case.

170. The case for combination of urban unions was strongly pressed by Mr. J. Wycliffe Wilson, who has for a long time served as a guardian at Sheffield. He called our attention to the following resolution of the council of the Poor Law Unions Association:— Wilson, Vol. IV., 11318, p. 22, c. 2.

"That the provision for the epileptic, imbecile and feeble-minded, and also for harmless pauper lunatics, should be made by boards of guardians individually or in combination and not by county councils."

Classification by combination of unions.

Wilson, Vol. II., 11318, p. 22, c. 2.

171. He argued that as the guardians had "in readiness the best machinery for making the necessary inquiries, and for forming an opinion as to who is and who is not able to pay or contribute to the cost of maintenance . . . it would appear much better that the guardians should deal with all cases where any part of the cost of maintenance has to be provided from public funds." To promote this policy, he quoted another resolution of the Association that boards of guardians should receive a grant of not less than 4s. for "every harmless lunatic, epileptic, imbecile or feeble-minded person sent to a certified home or maintained in institutions provided by them, to the satisfaction of the Local Government Board." And further to enforce this method, and draw the unions in country districts into the combination, he would apply the compulsion of law; and he anticipated that even smaller boards of guardians representing a population of 10,000 or 15,000 "would have to join in the contribution to the combination, and pay so much per head, and have a joint committee of some kind." "If the law facilitates it," he said, "I think there ought not to be any difficulty. It is done in the Metropolitan Asylums Board: there is combination for providing hospitals and asylums."

11355.

11364.

Stone, Vol. II., 13759.

172. Mr. Henry Stone, Clerk to the Guardians of the Poor of the Norwich Incorporation, took a further step and advocated enforced combinations for institutions for the feeble-minded throughout the country, desiring that for the erection of these institutions the Local Government Board should map out so many areas administered by so many boards of guardians.

173. On the other hand, in reply to the question whether in the East and West Riding, provision for the feeble-minded might not be made by amalgamation and joint action, Mr. Bagenal, a General Inspector of the Local Government Board, said :—

Bagenal, Vol. I. 2364.

"I do not see exactly how you are to remedy it, because the great objection of the guardians is multiplication of institutions and officers. If you have joint action on the part of several boards you must have a joint institution."

Jenner-Fust, Vol. I., 2530, p. 139, c. 1.

And Mr. Jenner-Fust, a General Inspector of the Local Government Board, admitting that "there is a general consensus of opinion in Lancashire that a workhouse is not the right place for imbeciles or epileptics of either class" *i.e.*, sane or insane, proposed a county scheme, because as he says, "guardians could not provide satisfactorily for this class except in combination (to adopt which method for any purpose they have shown great unwillingness) and even then only for paupers."

p. 139, c 2.

2683.

And later he says, "I have always found boards of guardians extremely unwilling to combine for any purpose whatever. There have been a few instances in Lancashire of late years, but in the rest of England there have been hardly any. It is perhaps unfair in the case of a rural union, for instance, who have one epileptic in every two or three years to send to an institution, that their whole rateable value should be placed under contribution."

Pease, Vol. II., 15060, p. 233, c. 2.

174. Miss Pease, also, who has been most active in endeavouring to improve the position of the feeble-minded in connection with the Newcastle Board of Guardians, of which she is a member, took a very different view from that expressed by Mr. Wycliffe Wilson and Mr. Stone. She said—

> The county and town councils have already control over lunatics and over education. [They should therefore take charge of the feeble-minded also.] "This would be better than leaving some of them under the care of the guardians; because the councils have a much wider area to deal with, and would have much more power to effectively deal with the question. Boards of guardians cannot deal with all classes of the feeble-minded, and there would be numbers left out who would have to be provided for in different ways. Difficulties will always arise to prevent guardians combining to provide for their deficient and epileptic inmates. We have had in Newcastle several conferences of guardians to consider this question and to see if there could not be united action, but nothing has been done. The different boards felt they could not work together. My board then discussed the question whether it would not be possible to provide for our own imbecile, epileptic and feeble-minded children and adults, as we have plenty of land in the country where our cottage homes are built; but the guardians would not classify, they wanted to lump the three classes together, and as this would have wrecked the scheme the whole idea was allowed to drop."

Voluntary combinations would not meet the case.

175. The net result of this evidence appears to us to be, that if reliance is to be placed on the combination of unions to supply the institutions necessary for the care of the mentally defective in urban and rural districts alike, the combination of unions must be made compulsory. Otherwise little or no progress may be expected. This would in fact amount to the application of

the method of the Metropolitan Poor Act in some form throughout the country, in connection with the Poor Law guardians and not, as Lord Clifford suggested, in connection with the county councils. This proposal we will discuss later, only here entering our opinion that, in view of the very serious defects in the whole method and organisation for the care of the mentally defective in the workhouses at the present time, and of the evidence of the little desire to combine which guardians generally have hitherto shown, it appears to us that there is no alternative but to impose a statutory obligation to deal with this class on the authorities—whoever they may be—to whom this branch of work is assigned. What has recently been done in the country by way of combination is not sufficient, we think, to lead us to modify this conclusion—that obligatory measures are necessary.

Voluntary combinations would not meet the case—*contd.*

(iv.) Schemes of Combination of Unions proposed or adopted.

176. The case in regard to the combination of extra-metropolitan unions for the better care and control of the mentally defective was summed up by Dr. Downes, Senior Medical Inspector for Poor Law purposes of the Local Government Board, and one of the General Inspectors in charge of the London District:—

Proposed combination of Croydon, Kingston & Richmond Unions.

"The Order, which was issued in December, 1904, is based on Section 8 of the Poor Law Act, 1879, which authorises, with the consent of the Local Government Board, the combination of two or more unions outside the Metropolis for any purpose connected with the administration of the relief of the poor which would tend to diminish expense or would otherwise be of public or local advantage. Under that Order the Croydon, Kingston and Richmond Unions are empowered to provide and maintain institutions which are called joint workhouses; workhouses, of course, is rather a misnomer, but it is a statutory word, and has to be used. One section provides that the persons for whose reception the joint workhouse shall be provided are first, 'epileptic persons who being chargeable to one of the combined unions have not been certified as lunatics; secondly, feeble-minded persons who being chargeable to one of the combined unions, have not been certified as lunatics, and who by reason of mental deficiency are incapable of receiving proper benefit from ordinary instruction, or are incapable of using ordinary means or precautions for protecting themselves from injury or improper usage or treatment, or are incapable of maintaining themselves by work and who are, in the opinion of the medical officer or medical superintendent of a workhouse (including an infirmary) of any of the combined unions, suitable persons for treatment in a joint workhouse."

Downes, Vol. I. 1824.

"That establishments of this sort should be on a Poor Law basis is not in accordance with the view I expressed. This one is on a Poor Law basis. It is for uncertified paupers of the epileptic and feeble-minded class. We have not yet had any proposal as to the form of establishment which would be provided, but the Order is of interest because it is one of the first of a class."

Downes, Vol. I., 1824.

177. Two very important instances of the combination of boards of guardians for joint workhouses have been submitted to us in detail—that in regard to the Monyhull Colony, established by the Birmingham, Aston, and King's Norton Boards of Guardians for epileptic and feeble-minded paupers not certified as insane; and that in regard to the Langho Colony, established by the Chorlton and Manchester Joint Committee, for epileptics not classed as insane. It will be more convenient to deal with the latter in the chapter of this Report in which the evidence we have received respecting epileptics is analysed and discussed. But the former scheme of combination may be most suitably considered now in relation to a large body of evidence that has been submitted to us in regard to Birmingham. We shall thus be able to compare several opinions, all of which are based on experience; and may thus arrive at a preliminary decision on the question whether, in order to provide the necessary accommodation, reliance should be placed on the Poor Law authorities and a combination of unions; or whether, subject to certain alterations, this task should not be undertaken by the authorities which are already dealing with the mentally defective as a class.

Combination of the Birmingham, Aston and King's Norton Unions.

Part X., paragraph 881 below.

178. An endeavour was made in 1901 to obtain from the unions in the counties of Warwick, Worcester, Stafford, and Salop, a complete return of the number of imbeciles, epileptics and feeble-minded persons who were chargeable to them on the 1st July, and who, in the opinion of the medical officers, were likely to improve or benefit by treatment in a home or institution specially adapted to their capacities and needs. Replies were received from thirty-five unions, but nineteen, some of them large and important, such as

Poor Law statistics of neighbouring counties.

Curtis, Vol. II., 18762, p. 443, c. 1, and p. 444, c. 1.

Poor Law statistics of neighbouring counties —*contd.*

Droitwich, Worcester, Stoke-on-Trent, West Bromwich, and Atcham, which includes Shrewsbury, did not reply. The number notified were as follows :— Curtis, Vol. II., p. 444.

—	Certified imbeciles and epileptics.	Epileptics not classed as insane.	Feeble-minded persons not classed as insane.	Totals.
Men - - - -	74	96	119	289
Women - - -	53	131	78	262
Children - - -	11	4	21	36
Total - - -	138	231	218	587

179. It thus appears that, excepting the unions that made no reply to the circular, in four counties in which there is a large urban population the total number of mentally defective persons who were chargeable to the rates, and would, in the opinion of the Poor Law medical officers, benefit by institutional treatment, other than the workhouse was only 587, and of these 138, or 23 per cent., were already certified—leaving only 449 available for "non-certified" treatment. These were approximately half epileptics, half feeble-minded; and amongst them there were only twenty-five children. From the Poor Law point of view, the problem thus appears comparatively easy of solution: an institution or institutions for 449 persons would meet the demand.

Poor Law statistics of Epileptic and Feeble-minded improvable and not improvable.

180. These figures are supplemented by others from the unions of Birmingham, Aston, and King's Norton, which have a joint population of 744,566, with a total indoor pauperism on 1st July, 1904, of 5,644.

In these unions (April 9th, 1904) the mentally defective paupers were, according to the judgment of the medical officers, classed as follows :—

L.G.B. Half-yearly Statement, 1 July, 1904, p. 25.

Curtis, Vol. II, 18762, p. 441, c. 1, and p. 442, c. 1.

1 —	2 Epileptics not classed as insane *who might improve* in a home specially adapted to their capacities and needs.	3 Epileptics not classed as insane, capable of appreciating such a home, but *not likely to improve.*	4 Feeble-minded persons who *might improve* in such a home.	5 Feeble-minded persons capable of appreciating such a home, but *not likely to improve.*	6 Total.
Men over 45 years -	6	20	1	28	55
Men over 16, under 45	25	6	13	25	69
Women over 45 years	14	25	2	27	68
Women over 16, under 45	21	18	17	53	109
Children not more than 16	5	1	36	10	52
Total - - -	71	70	69	143	*353

181. From these figures it appears that of the epileptics and feeble-minded capable of appreciating a home or of benefiting from it, 60 per cent. (cols. 3 and 5) are probably unimprovable; of the remainder—140 persons, men and women, twenty-three are over forty-five years of age, with, on the ground of age, probably a lesser chance of improving. Thus, on the strength of these figures, it would seem that, if these unions combined, the task before them would be comparatively small, particularly if they dealt with only actually improvable cases in special homes. The children who are improvable number in all forty-one.

Birmingham Education Committee, statistics of the mentally deficient children. Pinsent, Vol. II., 19148, p 456, c. 2.

182. But when we turn to the general population the numbers are very different. The report presented by Mrs. Hume Pinsent to the Birmingham Education Committee states that 386 mentally defective children are in special day schools, while for want of accommodation, 214 defective children as well as twenty epileptics are awaiting admission to special classes. Further, there are fifty cases in which blindness or deafness or crippling is associated with mental defect; and under the supervision of the After-care Committee are sixty-nine idiots and imbeciles. Thus in the area of the Birmingham Education Committee, with a population of 93,896 children on the rolls, there are, according to this count,

* Of these cases 231 were in the Birmingham Union.

739 mentally defective children, exclusive of any children who are under the care of the guardians; or, in other words, in the Birmingham Education Area the number of mentally defective children alone is more than double the total of epileptic and insane persons, adults and children, improvable and unimprovable, who are being dealt with by all three unions put together. Of the 739 children, 600 are reported as being educated in, or suitable for, special classes, according to the judgment of the medical officer, Dr. Caroline O'Connor, and duly qualified medical practitioners; and of these, as the evidence shows, a large number will have to be provided for after sixteen, or even before, if the education at the special schools is not to be thrown away.

Birmingham Education Committee, statistics of the mentally deficient children—*contd.*

183. With these figures we may compare those of Dr. Potts, the Medical Investigator who made inquiry at Birmingham on our behalf. He returned the total number of all the mentally defective in the Birmingham Union area (a smaller area than that of the Education Committee taken by Mrs. Hume Pinsent) at 1,359, and of these he reports that 426—256 males and 170 females—need provision according to the definition of these words, as adopted by the Medical Investigators.* Unlike other Investigators, Dr. Potts, as we have before pointed out, concluded that the workhouse formed a principal solution of the problem, and thus in the two areas which he examined—Stoke-on-Trent and Birmingham—he omitted from the list of persons needing provision almost all of the mentally defective persons in receipt of relief in the workhouse and infirmary or Poor Law schools—at Birmingham 581 in all—as being provided for sufficiently, but he included in his list casual ward cases—at Birmingham 104 in all. Here, then, acquiescing for the moment in this entire exclusion from the mentally defective class of those persons (except casuals) who are in receipt of indoor relief, we have, we think, a good criterion—a well-qualified judgment pronounced on all the cases in the city by one person. The result is that, apart from any action now being taken either by the Poor Law guardians, all of whose cases, except those of casuals, are here excluded from consideration, or by the local education authority, provision is at the present moment required for 426 persons. It is evident, therefore, that though, as we have suggested, Poor Law institutions might on certain conditions be utilised for particular classes of the mentally defective, they cannot well provide for the great mass and variety of the cases of mental defect, including both those who now require care and those, a considerable number, who will probably need it on leaving the special schools.

Statistics of our Medical Investigation in Birmingham. Vol. VI. Tables I. to VII. pp. 53–65. Part III. and Table and Notes, p. 19.

184. But, however this may be, the scheme of the three boards is planned on a very large scale and might assume very large proportions. *By the order of the Local Government Board (27th March, 1905) the joint committee was constituted for the purpose of fitting up, furnishing, and maintaining a workhouse or workhouses for the reception of epileptic and feeble-minded persons* chargeable to one of the combined unions. The definition of those who may be admitted is as follows:—

The Birmingham, Aston and King's Norton scheme. Curtis, Vol. II., 18762 p. 441, c. 2.

"1. Epileptic persons who being chargeable to one of the combined unions have not been certified as lunatics; and

"2. Feeble-minded persons who being chargeable to one of the combined unions have not been certified as lunatics; and

"(*a*) Who, by reason of mental deficiency, are incapable of receiving proper benefit from ordinary instruction or are incapable of using ordinary means or precautions for protecting themselves from injury or improper usage or treatment, or are incapable of maintaining themselves by work; and

"(*b*) Who are, in the opinion of a medical officer of any of the combined unions, suitable persons for treatment in the joint workhouse."

185. The second paragraph of this definition is so broad that it might admit to the new institution any feeble-minded uncertified person who is incapable of maintaining himself by work, or whom the medical officer thinks suitable for treatment there. These persons are to be admitted direct and not through the "workhouse." Each union is to bear the cost of the maintenance of the inmates who are chargeable to it; and other expenses are to be borne *pro rata*. The Government, it is desired, should allow 3s. per week in respect of all imbeciles and epileptics maintained by guardians in institutions (other than county or borough asylums) provided by Guardians to the

Curtis, Vol. II., 18897, 18898, 18940.

Curtis, Vol. II. p. 443, c. 2.

* For definition, *see* footnote, p. 19.

The Birmingham, Aston and King's Norton scheme—*contd.*

Curtis, Vol. II., 18947.

18833.

18841.

18865, 18797.

satisfaction of the Local Government Board, the word "epileptics and imbeciles" being taken as equivalent to the words "epileptics and feeble-minded," as defined so broadly in the Board's order. The mentally defective up to sixteen would be dealt with by the local education authority, unless they had to be cared for in asylums, and at the age of sixteen, on the certification of the medical man attached to the central authority—which should be final—the child would be admitted to an institution of the guardians, unless the parents can pay the full weekly cost, at 10s. 6d. a week. In that case the child might be sent to a registered institution, probably a voluntary home; but where the parents could not pay the full cost the board of guardians would deal with the cases, thus adhering to the principle that the child must be technically "destitute" if assisted by the Poor Law.

Sayer, Vol. II., 19053, 19057. 19038, 19008.

186. On this general theory, a "colony" is to be established by the three boards where sane epileptics and feeble-minded "could be of some useful service, where the epileptics, instead of sitting in wards looking at each other and waiting for the fits to come, could be at work on the land, and farming work, fruit growing, rearing poultry, and other such-like agricultural pursuits, and where they might ameliorate to some extent their condition and reduce the cost of their maintenance."

Sayer, Vol. II., p. 452, c. 1. 19102, 19015-19018, 19038. Curtis, Vol. II., 18961-18962. Sayer, Vol. II., 19022. 19072. 19143-7. Curtis, Vol. II., 18959. 18965.

With this object a freehold of 175 acres has been acquired, with farm buildings, at a cost of £19,000, within six miles of Birmingham and fairly accessible by railway and tram. Houses of one storey, with some of two storeys, will be built on it, with a central administrative block, assembly hall and workshops. At first the houses will be built for 250 persons, subsequently for 500, and afterwards possibly for more. There is to be a supervisory staff of three attendants for every thirty-six inmates. The land which has been acquired is, it is urged, more than is necessary for 500 inmates, but if that number be provided for, the initial cost of starting the colony will be £194 per bed, or exclusive of the land, £156. The weekly cost of maintenance is set down at 4s. 9d., or if salaries and rations, furniture and repairs, and the repayment of the taxes be included, but the cost of the site excluded, 10s. 6d.

General policy of the Birmingham, Aston, King's Norton scheme.

Whitcombe, Vol. II., 18561. p. 432, c. 1.

p. 432, c. 2.

Whitcombe, Vol. II., 18568, 18646, 18648, 18679, 18656-58. 18660, 18675, 18688, 18699.

187. A scheme so carefully designed is worthy of close examination. Here we are concerned rather with its general policy; and in reference to that it is of interest to compare the views of Dr. Whitcombe, the medical superintendent of the City Asylum, and Dr. Potts, our medical investigator, both of whom gave evidence as to Birmingham. The former proposed that all *backward* children should be separated from defectives in schools; and that the backward should be educated in separate classes in ordinary schools, while the rest were reported to the Lunacy Commission and registered like other insane persons, and then "dealt with, in separate institutions, on the cottage principle, in which they could be classified." He thought that "the present system of educating these children in special schools" . . did not justify the expenditure incurred by it, while the majority of cases "deteriorated, and were unfit for any ordinary occupation, and became a danger to themselves and society." Accordingly all but the backward children should, he thought, be certified; and, speaking generally, he considered that the opinion of the medical man who certified should be accepted by the magistrate without his specifying the facts, that the word "lunatic" should be dropped, and that all persons suffering from mental disease or defect should be placed under one authority. Local authorities, counties and boroughs, should, he thought, have power to combine to build an asylum or hire premises for the mentally defective, and should not have to unite and become one corporate body, as the Lunacy Act now requires, if they wish to purchase land or buildings for joint use. Children, if mentally defective, should be removed early—at the age of five—after being tested, if necessary, from an ordinary school; for a school was not a "proper place for a feeble-minded child." Poor Law authorities should entirely cease to deal with cases of mental defect. There should be, with detention, farm colonies for chronic cases of adults, both men and women, and a special report should in each instance be forwarded to the central authority when detention is considered necessary. This detention should not take the form of an order for committal, as if the question at issue were one of crime, but it should take the form of decision by consultation, as the question was not one of crime but of disease and should therefore be settled on "some friendly system, an arrangement without the disgrace of going to a police court."

Whitcombe, Vol. II., 18717, 18720, 18728-30, 18734, 18746.

Whitcombe, Vol. II., 18749, 18751.

188. Dr. Potts, like Dr. Whitcombe, would exclude from the special classes the lowest grade of aments altogether, and would admit to them "almost entirely abnormally backward children." "The lower grades of feeble-minded," he thought, "did not come within the province of the education authorities at all, but should be relegated at an early age to that authority who would be ultimately responsible for them." Differing from Dr. Whitcombe he thought that the provision made by the guardians for the mentally defective should be utilised, because "the majority are there already, and it should therefore be the least expensive arrangement." However, the ideal he advocated, he said, "was of one authority for all those requiring care—criminals, lunatics, the aged, etc."; though in the meantime a central authority of a more limited character might well be instituted, in order to supervise the methods adopted for the care of the mentally defective, a body somewhat similar to the Lunacy Commission, consisting of medical men and district and local inspectors. The patients should be segregated; and the teaching of hygiene on practical and popular lines should be systematised. For detention "a medical inspector—a Government inspector, a medical man—could certify the case, and then the mere fact of certificate should be sufficient to give the workhouse authorities power to retain."

General policy of the Birmingham, Aston, King's Norton scheme—*contd.* Potts, Vol. II. 19178, p. 475 c. 2. 19230, 19233.

Potts, Vol. II. 19283, 19192, 19250, 19252.

189. We have thus before us two very different policies, one suggested by boards of guardians, the other by medical men, both from different points of view amply competent to advise us on such a matter; and to state these plans in their completeness we have mentioned incidentally several points with which we must deal in connection with other branches of our subject.

CHAPTER VI.

Conclusions and Recommendations.

190. Before coming to a conclusion on the alternative, whether the Poor Law system should be expanded so that it may make entire provision for mentally defective persons, or whether this task should be assigned to some other central and local authorities, the ultimate question, which both parties raise, and which we have to decide, is whether the mentally defective should be considered and dealt with as suffering primarily from mental disease, or primarily from poverty or destitution, however caused? In the former case they would be relieved—whether paupers, or prisoners, or inebriates, or "feeble-minded," or persons of "unsound mind," as having a claim on the community on the common ground that they are mentally afflicted; and assistance for them would be organised with a view to their treatment as patients. In the latter case they would be relieved as poor or destitute persons who happen to be mentally defective, and who on that account are paupers as being in need of relief, but incidentally patients, as being in special need of treatment. But the evidence shows that the division between pauper and non-pauper is quite unreal in the case of the mentally defective. The son of respectable parents, who is permanently supported wholly or in part by relatives and friends, requires, as mentally defective, the same treatment as another person whose relatives and friends cannot help him at all; and the greater or lesser possibility of obtaining payment for the treatment—the more or less poverty or destitution—is not the dividing line in these cases, but the existence or non-existence of mental disease. Further, the distinction, on which we insist, is especially applicable to a class of case for which it would be difficult for the great mass of people to make any provision. These cases, wherever they may be, or whatever public department or organisation may deal with them, involve continuous expenditure, greater than can ordinarily be met by the people themselves, even when they are capable and industrious members of the middle and working

General conclusions] as to adaptability of Poor Law system.

General conclusions as to adaptability of Poor Law system—*contd.*

classes. The households in which the presence of a mentally afflicted member of the family is a danger, a degradation and an intolerable burden, are not necessarily those of paupers. All possible obligations which can reasonably be imposed, should, indeed, in our opinion, be enforced on relatives; and the help of friends and voluntary agencies also should be used to the utmost. But in the development of any organisation for the care of the mentally defective, the precedent of the Lunacy Acts should, we think, be followed, rather than the precedent of the Poor Law. Under the Lunacy Acts intervention is due to the existence of mental incapacity; under the Poor Law to the existence of poverty and destitution. It must also be remembered that the certification, detention, and segregation, in regard to which almost all our witnesses are agreed, are advocated in the interest of the community at large, and not merely or chiefly, as relief is given under the Poor Law, in order to meet the personal needs of particular cases.

191. Thus, to cite several instances, it is agreed, as we shall see, that it is not good either for the individual or for the community that a person who is mentally defective and has been convicted of crime should be set free, like an ordinary prisoner, to go where he may on discharge. Equally is this so in the case of inebriates, or paupers, or children of school age, who are mentally deficient. All these, as well as persons certified under the Lunacy Act, are not so much prisoners, or inebriates, or paupers, or school children as persons who are mentally deficient. For them, while they are in the institutions of other authorities, Prison, Poor Law, or Education Authorities for instance, it is acknowledged by all that supervision and inspection by a single authority is desirable. But when these persons leave the institutions to which they have been admitted they are now under no care; and the result is disastrous. Further, as has been shown, the number of the mentally defective considerably exceeds the number of those for whom the Poor Law makes provision or indeed proposes to provide, while also those assisted have a claim on the community, not as paupers and thus rightly coming under the Poor Law, but as mentally deficient and thus claiming public aid on grounds similar to those on which help is already given to persons of unsound mind. Lastly, the cases of mental defect are of different types and require different methods of treatment, and the Poor Law, not primarily an institution intended for such a purpose or specially adapted to fulfil it, seems to us quite unlikely to meet the need effectually.

Authorities recommended to deal with care and control of the mentally defective.

192. On these and on other grounds which a consideration of the needs and condition of the mentally defective in elementary schools, prisons, inebriate homes, asylums, and voluntary institutions, will further justify, we think that there should be one central authority which, with the local authorities connected with it, should have the general control and supervision of mentally defective persons. And accordingly our first recommendation is:—

Recommendation I.

"That there be one Central Authority for the general protection and supervision of mentally defective persons and for the regulation of the provision made for their accommodation and maintenance, care, treatment, education, training and control."

We believe that without a single central authority it will not be possible to give that cohesion and unity to this branch of work which the evidence shows to be essential; nor without it will it be possible to provide with continuity and persistence the additional accommodation of various kinds which the different classes of mentally defective persons require; nor again without it will it be possible to utilise existing resources, as far as may be, and to supply new accommodation with economy and care for the comparatively large or populous areas which should, in our opinion, be adopted for the purposes of local administration in the future.

Recommendation XLIX.

193. We feel also that, to a large extent, the care, control and supervision of many of the mentally defective, especially of the feeble-minded, should in some degree take the form of public wardship, similar to that exercised by boards of guardians under the Poor Law Act of 1899; and we recommend:

Recommendation V.

"That the central authority, which would deal with the whole class of mentally defective persons and the divisions of that class be called: 'The Board of Control,' and the members thereof be called Commissioners of the Board of Control."

To facilitate the supervision of local work it is proposed (Recommendations XV.—XVIII.) that England and Wales be divided into districts suitable for purposes of supervision and visitation, and that the Commissioners be assisted by Assistant District Commissioners.

Authorities recommended to deal with care and control of the mentally defective—*contd.*

194. The local authority, it is suggested (Recommendation XXVIII.), should be "the council of each county and the council of each county borough," which should "be required by Statute to make suitable and sufficient provision for the care and control of the mentally defective in the county or county borough." And this "local authority" (Recommendations XXIX. and XXX.) should "exercise the powers proposed to be conferred on them under the proposed Act through a Statutory Committee" to "be called the Committee for the Care of the Mentally Defective, and take over the duties of the Visiting Committee or Visiting Committees of the council of the county or county borough as the case may be." The area of the local authority would thus be the county or county borough, and the settlement required in cases dealt with by it would be a county settlement. (Recommendation XLVI.)

In regard to all this we have, it will be seen, followed close upon the suggestions made by Lord Clifford of Chudleigh and Sir C. Thomas Dyke Acland; and, as they have suggested, we also (Recommendation XXXI.) propose that "the Committee for the Care of the Mentally Defective be constituted so as to include within it by co-option additional members, of whom one at least shall be a woman, who have special experience or knowledge." The evidence that has been submitted in our last chapter enforces the desirability both of appointing additional members and of including women among them; and the evidence contained in subsequent chapters further supports this decision.

The necessity of enabling the Council to make contracts of many kinds on behalf of the mentally defective and thus to utilise, under effectual conditions of adaptation and service, all accommodation that may seem suitable, has led us to propose that wide powers in this direction should be given to them. They may (Recommendation XLII.), subject to the approval of the Board of Control, use the means at their disposal "in any way they may think best for the well-being of the mentally defective, and may contract with any poor law or other public authority, public or voluntary agency, or private person, under such conditions as they may deem advisable for the care, education, training or maintenance of mentally defective persons, or of epileptics not mentally defective." And there is a statutory provision suggested with a view to the compliance of other public authorities in providing accommodation for Receiving Houses or Wards, at the request of the Council (Recommendation LXV.)

Use of Poor Law Accomodation by new authorities.

Downes, Vol. I., 1821. Fleming, Vol. I., 2081. Fust, Vol. I. p. 139, c. 2. Recommendations XLII. and LXV. Davy, Vol. IV., 33860. 33883. 33930.

195. Many representations have been made to us by boards of guardians that the new organisation for the care of the mentally defective, which is admitted to be necessary, should form part of the Poor Law system of the country. We have considered that suggestion most carefully, but we have found ourselves unable to agree with it. A central body that has constant relations with a much larger circle of interests and requirements than has the Poor Law should, we think, be in charge of the work, with the aid and co-operation of local bodies of a similar type. But under our Recommendations it will be possible to utilise in a most economical and effectual manner any accommodation which may be available in Poor Law institutions and is suitable for the purpose. Only a public authority endowed with large powers of utilising the resources of a great variety of institutions, and also of making whatever additional provision may be necessary, will, it appears to us, be capable of coping with the problem on which we have been desired to report.

Appendix, Vol. V. p. 226–231.

Franchise, removal of disabilities.

Locke, Vol. I., 10966, p. 632, c. 2. Wycliffe Wilson, Vol. II., 11412. Pullon, Vol. II., 12404, p. 88, c. 1. Bennett, Vol. II. 13898-9. Dendy, Vol. I., 826. Fry, Vol. I., 5656–5657. Corner, Vol. I., 9745–9751 Sherlock, Vol. I., 8830 p. 513, c. 2. Ashby, Vol. I., 10088.

196. Many of the witnesses have expressed strong opinions in favour of removing the taint of pauperism from those who, while not being destitute, are at present classed as paupers because they are destitute of the means of paying for all or any of the cost of the expensive treatment of their mentally afflicted, or epileptic, though not mentally defective, relatives. The general feeling appears to be that where parents or relatives are able to contribute to the maintenance of the patient they should be required to do so, and among the poorer class, who may be only able to subscribe a portion of the cost, they should be required to pay such portion, but without, in any case, being pauperised and thus losing their right to vote, as would be the case, at present, where relief was received from the Poor Law on account of a dependent wife or child up to the age of 16.

Franchise, removal of disabilities —*contd.*
Locke, Vol. I., 10966 p. 632, c 2
Elementary Education (Blind and Deaf Children) Act, 1893, Sec. 10, Sub-sec. (1).
Kerr, Vol. I., 7768, p. 440, c. 2.

In the case of so-called pauper patients in idiot asylums, many of them have never been in a workhouse, and some of them cost the local rates nothing at all. Many of them are children of small farmers, tradesmen in a small way of business, clerks, artisans, and others, who, unable to pay the full charge, are yet able to contribute 5s. or 6s. per week, or even more, for the maintenance and training of their children. In order to make up the full charge of from 10s. 6d. to 14s. per week, the parents pay their contributions to the board of guardians, who receive the 4s. grant, add to it the parents' contributions, and thus in some instances make up the required amount. This pauperises the parent, though it does not do so in the case of children sent to blind or deaf and dumb institutions or educated at public elementary schools, where the schooling is paid for out of the rates, or even in the case of criminal or neglected children sent to reformatory or industrial schools.

Douglas, Vol. II., 14425; p. 202, c. 2.
Vallance, Vol. II., 14665.
Williams, Vol. II., 15851, p. 286, c 1.
Grayson, Vol. II., 16999.
Curtis, Vol. II., 18762 p. 442, c. 1.
Pinsent, Vol. II., 19148 p. 460, c. 2.
Liesching, Vol. II., 19581.
Buckle, Vol. II., 20409.

Recommendation XCII.

We have accordingly made a recommendation that a person who has received for any mentally defective, or epileptic though not mentally defective, member of his family any such assistance derived from any rate shall not by reason thereof be deprived of "any franchise, right, or privilege, or be subject to any disability or disqualification."

PART II.

THE PROBLEM OF THE METROPOLIS.

CHAPTER VII.

The "Mentally Defective" Population of London.

The general position of London as to the mentally defective.

197. As we have already stated, the position of London in regard to the care of the mentally defective is exceptional. Connected with the Poor Law, the Metropolitan Asylums Board is endowed with special powers for dealing with this class. Very considerable provision has also been made by the Education Committee of the London County Council for the education of feeble-minded or mentally defective children. The difficulties of London are thus due, less entirely to insufficiency of accommodation, than to the want of any machinery which would lead to a readjustment of the relations of the several authorities concerned in this administration. There is in the Metropolis a considerable population of persons who are living in conditions of degradation and crime owing to the mental defects from which they suffer. But we did not think it practicable to make a census of the mentally defective in London with the aid of medical investigators, as we did in some other localities. We would therefore submit some general evidence as to the state of this population, by way rather of sample and illustration, than with any endeavour to furnish precise statistics of the whole number of the class. The population of school age in London is in all its circumstances unusually well known to the education authority; and from other quarters, we have received specially detailed information as to the inmates of Metropolitan prisons. This evidence throws light on the lives and surroundings of the children and young persons who are unsuited for the normal curricula of elementary schools, who at the age of sixteen are unable to provide for themselves, and at every stage of life are likely to fall into the hands of the police in consequence of the committal of offences of all kinds.

Children at the remand home.

198. To begin with the children. Notes of 100 cases of boys and twenty-eight cases of girls, juvenile offenders under sixteen years of age, who were placed, between arrest and conviction or discharge, in the remand home of the Metropolitan Asylums Board, supply one set of statistics which illustrate the connection of child criminality with mental defect. In the three years 1902 to 1904 inclusive, there passed through these homes 3,119 juvenile offenders. Two classes of offence are constantly registered against them. One large class comes under the title "wandering;" another under "stealing and larceny." Miss Turner, medical attendant to the Metropolitan Asylums Board's Home for Feeble-minded children, says, "It appears to me, that the charge of 'wandering' is often preferred to a graver one for placing on the charge sheet, but as a rule it covers some petty offence such as pilfering, begging, playing truant, etc.; and it was consequently impossible for me to find out the number of cases of 'wandering' in its simplest sense of aimless straying or loitering. These are evidently few." Taking the entry "wandering" in the wider sense, it is one of general significance, and it is thus specially noteworthy for our purpose, as it is a very common charge on which children, who have fallen or are in danger of falling into crime, are brought before magistrates with a view to their committal to industrial schools. In the following statistics "wandering" appears to be constant and seems to increase from the age of seven to that of thirteen; while stealing and larceny, often also associated with mental defect, rise from a comparatively small percentage at eight years of age to forming the bulk of the charges at fifteen. The following figures indicate this:—

Turner, Vol. I., p. 503, c. 1. I., p. 704.

Boys: In the M. A. B. Homes, 1902–4, who had been charged with "wandering," which term includes sleeping out, playing truant, begging, being beyond control, etc.

—	Ages.											
	Under 7.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	Over 16.
Cases of Wandering	28	44	73	110	138	155	144	139	30	26	16	2

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Children at the remand home—*contd.*

GIRLS: In the M. A. B. Homes, 1902–4, who have been charged with "wandering," which term includes sleeping out, playing truant, begging, being beyond control, etc.

—	Ages.											
	Under 7.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	Over 16.
Cases of Wandering, etc.	12	13	19	30	42	39	29	36	6	2	6	3

BOYS: In the M. A. B. Homes, 1902–4, who have been charged with stealing and larceny.

—	Ages.											
	Under 7.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	Over 16.
Cases of Stealing and Larceny	–	3	15	26	42	51	94	111	136	142	32	5

GIRLS: In the M. A. B. Homes, 1902–4, who have been charged with stealing and larceny.

—	Ages.											
	Under 7.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	Over 16.
Cases of Stealing and Larceny.	–	–	–	2	4	5	8	15	20	42	9	–

Turner, Vol. I. cf. p. 503 and Vol. I., p. 704.

199. It is noticeable how young are many of the children in the remand home—a fact suggestive of the necessity of commencing the education of habit at a very early age. Of these children, 164 were seven years of age or under seven years of age, and as many as 591 were nine years of age or under nine. The figures suggest whether in London the early education that might prevent this juvenile crime is forthcoming. In any case, however, here we find in association "wandering, etc.," and "stealing and larceny," two traits which are closely connected with mental defect and both of which occur at an early age in a marked form—that is, to the extent of leading to the arrest of the child. Out of these "Remand Home" children were taken at haphazard the hundred boys and the twenty-eight girls who were medically examined, and in regard to whom special inquiries were made. These were classified as follows :—

—	Boys.		Girls.	
Above the average	2		1	
Eccentric (not feeble-minded)	5		0	
Normal	56		11	
	—	63	—	12
Backward	18		7	
Slightly mentally deficient	10		5	
Mentally deficient	9		4	
	—	37	—	16
		100		28

200. The result is remarkable. Out of the boys thirty-seven were graded as between "backward" and "mentally deficient"; out of the girls sixteen out of twenty-eight were so graded. If these proportions are applied to the numbers of boys and girls treated year by year as juvenile offenders the seriousness of the question becomes apparent. Thus, if we take

girls at the remand home who were under seven years of age, in the three years they numbered thirty-two, of whom fifteen were living with prostitutes; and of girls thirteen years of age, ninety-three in all, fifteen were charged with stealing and larceny, ten with living with prostitutes and thirty-six with wandering, etc. As mentally defective, after sixteen or later, more than half of these would be likely to come upon the public authorities, or on voluntary charity for support. The same would apply to over one-third of the boys under seven—forty-two in all—of whom nine are living with prostitutes and twenty-eight charged with "wandering"; while of the age of thirteen, in the three years 1902 to 1904, there were three hundred and ninety-seven in the remand home, one hundred and eleven charged with stealing, fifty-three with felony, six with living with prostitutes, and one hundred and thirty-nine with wandering, etc.

Children at the remand home—contd. Turner, Vol. I., pp. 704 and 707.

201. Again, if, as seems quite likely, the home circumstances of these "backward" and "slightly mentally deficient" and "mentally deficient" children are similar to those of the children admitted to the residential homes of the Metropolitan Asylums Board, where, while they attend special schools, children maintained by the Poor Law are boarded, an examination into the circumstances of these "residential children" should throw light on the condition of the others—the mentally defective in the remand homes. Accordingly we submit particulars about the home circumstances of these "residential" cases. Forty of these cases have been specially investigated and were put before us as illustrative of the conditions of degradation which are thought to be productive of feeble-mindedness. In the forty cases, fourteen fathers (35 per cent.) and ten mothers (25 per cent.) were known to have been heavy drinkers. In two cases (5 per cent.) death took place as the result of drinking. Phthisis was found in eleven fathers (27·5 per cent.) and seven mothers (17·5 per cent.). In the case of five fathers and one mother it was aggravated by alcoholism. Thus, of the total cases, 60 per cent. were those of drinkers, and 30 per cent. of phthisical persons.

Cases at residential homes of the Metropolitan Asylums Board. Turner, Vol. I., p. 501.

Flagrant immorality was charged against six fathers (15 per cent.) and seven mothers (17·5 per cent.). Of the 127 children under care, nineteen (14·9) were illegitimate, and seventeen were deserted, many of whom it might reasonably be concluded were illegitimate also.

Eight fathers (20 per cent.) had been insane, five had died insane, and four mothers (10 per cent.), of whom one had died in an asylum. Seven fathers (17·5 per cent.) and five mothers (12·5 per cent.) had suffered from nervous disorders. These included two cases of epilepsy in the mother, and cases of paralysis, chorea, and mental deficiency; and three cases of such violent temper on the part of the father, that the wife in giving the information in each case suggested that her husband must be insane! "In three cases there was a definite history of syphilis, but probably the percentage of this disease was usually very much higher, as suggested by the characteristic type of some of the children."

202. Information obtained in regard to the families of thirty-five out of forty mentally deficient children who were attended professionally otherwise than at the residential homes, though very incomplete, goes, it is said, to show that the same factors are at work here in the production of mental deficiency. An examination of cases of normal children among the private patients of the same witness, principally well-to-do people, suggested that the average of morbid "heredity" derived from such parents was very low indeed compared with the others—less than a fifth of what it was among the paupers.

Turner, Vol. I., p. 502, c. 2. 8717. 8719–8720. 8725.

203. This evidence seems to be conclusive on two or three points. The children charged with offences as juvenile offenders form a group large enough to merit special consideration. They should be examined at an early age, and if mentally deficient should be kept under such conditions of education and supervision as may, as far as possible, prevent their ultimate dependence on the community. On the part of those charged with this duty there should be co-operation with every other authority that may possibly know their history and home already. The circumstances of the family should be taken into account in any decision that may be adopted in regard to their future; and their education, from the point of view of self-control and habit should commence early. Evidently they are not likely to get this education at home. It would have to be furnished from without. Provision has not yet been made for it in London.

Necessity for examination and early treatment of juvenile offenders

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Children not admissible to special schools and requiring custodial treatment, Kerr, Vol. I., p. 435. c. 1; Vol. I., p.441, c. 1; Vol. I., 7797.

204. The investigations of Dr. Kerr, the Medical Officer (Education) to the London County Council, and his assistants throw light on the same problem from another side. He has to select the children for admission to the special schools for mentally defective children. Out of 4,561 cases submitted to him as requiring examination with that object, 1,728 were entered as mentally defective, 187 rejected as imbecile—42 per cent. in all. For these cases when they reach the age of sixteen there is no suitable provision; yet, as we shall presently show, many of them under existing conditions are at that age incapable of even partial self-support. Of the 4,561 children, for instance, 434 were leaving school, and of these only 140 were "permitted to go to work," as being likely to be competent to do it without mishap to themselves or injury to the community. But the rest of the feeble-minded children were permitted to leave school without regard to ultimate results—though even at the age of twelve, a large number of them had been found to require custodial treatment. Thus, out of 455 children over twelve who were examined by Dr. Kerr, in 126 cases it was decided that in the future they would be fit only for custodial treatment. For these imbeciles who require custodial treatment at twelve, or even for the smaller number who require such treatment after sixteen, there is altogether insufficient provision in London, though each year the number of them at the schools is kept down by the refusal to admit them—177, for instance, in 1901.

Kerr, Vol. I., p. 435, c. 1. Vol. I., p. 430, c. 1.

Helby, 5375–5379. Stanley, 7236. Sherlock, 8853.

205. It is true that this insufficiency of provision may in part be due to the fact that the Metropolitan Asylums Board have not been pressed to deal with it. They are not in correspondence with the local education authority but only with the Poor Law guardians, who naturally approach the question from another standpoint, chiefly that of pauperism. But, however this be, as experienced witnesses have informed us, the general demand for accommodation after sixteen is to a very large extent unmet. The education authorities, and many managers of voluntary homes, have amply proved this. And there is not in these cases, it must be remembered, any special importance in dividing life into school life before sixteen and after-school life after sixteen, for in regard to them there is always a certain deterioration or backwardness to be overcome, and, under present conditions, it is often only at a much later age that general ability, resulting from training, can suffice wholly, or in great part, for self-maintenance.

Condition of feeble-minded children just after leaving school. Kerr, Vol. I., p. 442, c. 1.

206. Later in life in those cases in which protection is not forthcoming, the results are often fatal. We have received much evidence of this: but the following short Report of the head mistress of the special school at Bath Street sums the matter up in regard to children just at the point at which the breach occurs between school life and life after school.

"The head mistress of Bath Street Special school has analysed records of the ninety-five boys and forty-four girls who have passed out of the school in the last seven years, eighteen boys and fourteen girls being promoted to the elementary school, and, as a rule, doing fairly well afterwards. Nine boys and five girls were, after a probation, excluded as imbeciles, 'two are in institutions, two are well cared for, the rest running the streets.'

"On leaving, the girls mostly go to boxmaking, where, in a year or two, if they are fairly quick with their fingers, they earn 6s. to 7s. a week at piece work. Many are quiet and well-behaved, and attend an evening club for old members of the class, and in a few cases evening cookery classes. The boys, as a rule, go on vans, or as errand boys, where they generally obtain at first wages of 5s. to 8s. weekly. The real difficulty with boys commences at about seventeen. Such work as they do, means very long and late hours, and small wages. As they get older, feeling that they are only getting boys' wages, they throw up their situation, to find it almost impossible to get anything else to do. In most of the cases where boys have been taken in hand by some philanthropic agency in the neighbourhood, the effort has ended in failure. Fifty-five (twenty-five boys and thirty girls) of the 139 children it was impossible to trace, and probably it is the best of the children who have kept in touch with the school."

Adult feeble-minded in prisions. Griffiths, Vol. I, p. 199.

207. Later, many mentally defective persons pass through the prisons. Thus at the Holloway Prison, out of 803 women there on November 29th, 1904, eighty-three were of that type, forty-one of them chronic inebriates, thirty-nine feeble-minded, and three insane; and of 1,297 convicted prisoners received during that month, fifty-six were feeble-minded, suggesting that there is a constant procession of these feeble-minded persons, men and women, through

the prison, each in turn receiving a short or comparatively short sentence and then disappearing, sometimes only to return again. From particulars attached to a list of thirty-nine feeble-minded women in Holloway on November 29th, 1904, it appears that ten were in prison for stealing, eleven for indecency and similar offences, and five for drink. Apart from four epileptics, all were congenital imbeciles or feeble-minded. Seventeen of the thirty-nine were thirty years of age or under.

Adult feeble-minded in prisons—*contd.*

208. There is thus a comparatively large class of feeble-minded persons who are not now considered as insane, but who cannot fairly be held responsible for their misdeeds, and who are the cause of great trouble and anxiety to those who deal with them. Many of them in their youth have not been kept under control by their parents. Frequently little attempt has been made to educate them, as they are undesirable in the ordinary schools and classes, and special schools and classes are comparatively few in number. When they come to the working age, their mental defect stands much in the way of their getting employment. They are only fit for unskilled labour, and most of them are so wanting in the power of continued application, that they soon leave of their own accord, if not previously dismissed for stupidity. They are greatly wanting in initiative, and they are easily influenced by others. Their moral sense is very defective.

Scott, Vol. p. 276. Brayn, Vol. I p. 164. Smalley, Vol. I., 3538–3540. Treadwell, Vol. I., 4440. Tuke, Vol. I., 4674, 4678–4682.

This in general represents the later stages of the class for which no earlier or sufficient provision has been made. For this later period of life our present administrative organisation is quite unsuitable.

CHAPTER VIII.

Authorities in London for Dealing with the Mentally Defective.

209. The authorities which are concerned with the care and control of the mentally defective in London are the Guardians of the Poor, the Metropolitan Asylums Board, the London County Council through its Education Committee and its schools, and again the London County Council through its Asylums Committee and lunatic asylums. To explain and illustrate the working of the Poor Law in London in regard to the mentally defective it is necessary to take into consideration the work of all these agencies.

Authorities in London for dealing with the mentally defective.

210. In the following table is shown the distribution of the mentally defective in London (including the insane) in relation to different authorities:—

Table of the Mentally Defective Provided for by Public Authorities in London, January, 1905 and 1906.

	1905.			1906.			Remarks and source of figures.
	M.	F.	Total.	M.	F.	Total.	
I.—*Workhouses and Infirmaries (including the City of London Workhouse, but excluding the Metropolitan Asylums).*							
Certified pauper lunatics	–	–	291	–	–	269	Information obtained from the Lunacy Commission.
II.—*Outdoor.*							
Certified pauper lunatics	–	–	70	–	–	63	Pauperism (England and Wales). Half-yearly statement 1st January, 1905, 1906.
III.—*Workhouses and Infirmaries.*							
Uncertified feeble-minded persons	346	564	910*	450	734	1,184*	* Besides 149 children (1905) and 169 (1906)
IV.—*Outdoor.*							
Uncertified feeble-minded persons	8	26	34	18	36	54†	Return 1st January, 1905–6. Appendix Vol. V., p. 71.
V.—*Institutions: Metropolitan Asylums Board.*							
Leavesden: Certified imbeciles	812	957	1,769	809	967	1,776	Annual Reports, Metropolitan Asylums Board, for 1905 and 1906, Appendix II. Imbecility.
Caterham: Ditto	881	1,040	1,921	850	1,045	1,895	

† Excluding 2 children.

Authorities in London for dealing with the mentally defective—*contd.*

TABLE OF THE MENTALLY DEFECTIVE PROVIDED FOR BY PUBLIC AUTHORITIES IN LONDON, JANUARY, 1905 AND 1906—*continued.*

	1905.			1906.			Remarks and source of figures.
	M.	F.	Total.	M.	F.	Total.	
V.—*Institutions: Metropolitan Asylums Board—continued.*							
Tooting Bec: Helpless imbeciles requiring infirmary treatment (*Mann I. p. 281, c. 1; Helby, 5293; Beresford, 5434*).	307	407	714	315	414	729	Annual Reports, Metropolitan Asylums Board, for 1905 and 1906, Appendix II. Imbecility.
Tooting Bec: Central receiving home for children.	7	14	21	17	14	31	Ditto.
Belmont: "Unimprovable imbeciles," certified.	–	–	–	248	–	248	
Darenth: For the accommodation and training of the improvable of all ages. (*Rotherham, 8759*). Asylums: schools and industrial colony; and pavilions now for a time used for unimprovable younger patients.	955	880	1,835	991	920	1,911	Ditto.
VI.—*Homes for Feeble-minded Children.*							
Lloyd House, 11, Lloyd Street, Pentonville, W.C. 12, Lloyd Street, Pentonville, W.C.	–	19	19	–	25	25	Information obtained from the Metropolitan Asylums Board.
81, Earlsfield Road, Wandsworth, S.W.	–	9	9	–	8	8	
60, 62, 64, Kingwood Road, Fulham, S.W.	19	–	19	20	–	20	
16, Elm Grove, Peckham, S.E.	10	–	10	13	–	13	
Surrey House, S. Ann's Hill, Wandsworth, S.W.	17	–	17	16	–	16	
Feeble-minded Colony, High Wood School, Brentwood	7	8	15	20	17	37	
VI.—*Asylums and institutions: Asylums Committee, London County Council.*							
Banstead	1,076	1,385	2,461	1,061	1,381	2,442	17th Annual Report of Asylums Committee as to the London County Asylums, p. 55.
Bexley	1,022	1,074	2,096	1,018	1,069	2,087	Ditto, p. 56.
Cane Hill	917	1,213	2,130	910	1,203	2,113	Ditto, p. 60.
Claybury	996	1,432	2,428	1,008	1,427	2,435	Ditto, p. 62.
Colney Hatch	915	1,270	2,185	917	1,275	2,192	Ditto, p. 65.
Hanwell	1,009	1,562	2,571	1,007	1,561	2,568*	*Average. Ditto, p. 66.
Horton Asylum	903	1,114	2,017	906	1,109	2,015	Ditto, p. 68.
Heath	–	–	–	–	–	–	
Manor	61	716	777	61	709	770	Ditto, p. 70.
Horton Colony: Epileptic Insane	264	58	322	265	62	327	Ditto, p. 72.
Boarded in other asylums	–	–	1,279	–	–	1,694	Ditto, p. 12.
Long Grove Asylum	–	–	–	–	–	–	
VII.—*Education Authorities.*							
Defective children on roll	–	–	4,050	–	–	4,928	Information supplied by London County Council.
Children under 16. Not passed as suitable for "special" schools	–	–	153*	–	–	153*	* Average of four years ending March, 1907. Information supplied by London County Council.
Children who left the "special" schools between the ages of 14 and 16.	–	–	159	–	–	170	These figures are for the years ending March, 1905 and 1906 respectively.
Children who left on reaching the age of 16.	–	–	92	–	–	83	

N.B.—Besides these, on a day count there are probably some 140 mentally defective prisoners in the London prisons.

211. London, under the Metropolitan Asylums Board, forms for the treatment of the mentally defective a single district comprising the unions or parishes of thirty-one boards of guardians. Accordingly the boards of guardians have at their disposal for these cases not only their workhouses and workhouse infirmaries, but, subject to the production of certain certificates, they have also the use of the asylums and homes of the Metropolitan Asylums Board. This system fulfils the principal conditions of the scheme which some of our witnesses have very strongly recommended for the treatment by the Poor Law of all cases of mental defect other than those of children being educated at special schools and of lunatics admitted to asylums for the insane. It is the more necessary, therefore, to examine it closely in order to ascertain whether it does in fact meet the requirements suggested by our reference of providing for the care, training and control of the mentally defective sufficiently and economically. The Metropolitan Asylums Board.

212. The following table contains recent figures in regard to these institutions. It indicates also the present policy of the board in general; a very clear and enlightened policy, as it seems to us: (1) to congregate the improvable adults and children in an industrial colony—that at Darenth; (2) to provide for the unimprovable children now in the Darenth pavilions ultimately in some separate institution; (3) to utilise the Belmont Asylum for unimprovable adult imbeciles* and (4) to deal with all senile cases at Tooting Bec:— Helby, Vol. I., 5258. Mann, Vol. I., pp. 281 and 693.

Asylums.	Normal Accommodation, 9th February, 1907.			Patients under treatment, 9th February, 1907.		
	M.	F.	Total.	M.	F.	Total.
Caterham	888	1,055	1,943	838	1,031	1,869
Leavesden	859	1,018	1,877	815	971	1,786
Darenth—						
Training School Section for children. (For improvable patients.)	272	230	502	245	205	450
Industrial Colony Section for adults. (For improvable patients.)	450	602	1,052	469	594	1,063
Pavilions, at present used for unimprovable children.	308	132	440	288	149	437
Tooting Bec Asylum—						
Adults	381	474	855	272	449	721
Additional accommodation now in course of erection. (*For helpless Imbeciles requiring Infirmary treatment.)	105	102	207	–	–	–
Receiving Home for children	20	16	36	9	8	17
Rochester House Temporary Asylum (closed).	(temporary)		–	–	–	–
Gore Farm Temporary Asylum (closed)	(temporary)		–	–	–	–
†Belmont Asylum for unimprovable Imbeciles.‡	336	–	336	298	–	298
Total	3,619	3,629	7,248	3,234	3,407	6,641

* "More or less old men and women suffering from senile decay." (*Helby*, Vol. I. 5293).

† These numbers apply to the portion of this Asylum now in use. Plans for the adaptation of the remaining portion (to accommodate about 470 patients) are now under the consideration of the Local Government Board.

‡ Who "can simply dress themselves and walk about. They do not come in the Industrial Colony or the Improvable School." (*Helby*, Vol. I. 5258).

Homes for Feeble-Minded Children.	Normal Accommodation 9th Feb., 1907.		Patients under treatment, 9th Feb., 1907.	
	M.	F.	M.	F.
Lloyd House, Pentonville	—	20	—	20
12, Lloyd Street, Pentonville	—	8	—	7
81, Earlsfield Road, Wandsworth	—	10	—	8
60, 62, 64, Kingswood Road, Fulham	22	—	21	—
16, Elm Grove, Peckham	14	—	13	—
Surrey House, S. Ann's Hill, Wandsworth	16	—	14	—
(*a*) High Wood School, Brentwood (*Cottages at*)	—	Say 60	—	36
(*b*) Bridge Industrial Home, Witham	Say 150	—	63	—
Total	202	98	111	71
	300		182	

(*a*) Working colony for elder girls. (*b*) Working colony for elder boys.

* This Asylum is now closed and leased to a Board of Guardians.

PART II.
THE PROBLEM OF THE METROPOLIS.

Chapter VIII.
Authorities in London for Dealing with the Mentally Defective.

General powers of Guardians in London. Adrian, Vol. I., 85, 86, 88.

213. The guardians in London have all the general powers which guardians in the country possess. They may, for instance, place an orphan or deserted child in a certified school supported wholly or in part by voluntary contributions. They may, with the approval of the Local Government Board, send to schools that may not have been certified, children under the age of sixteen who are idiots or imbeciles resident in a workhouse or an institution to which they have been sent or boarded out. With the same consent, they may subscribe to any asylum for "persons suffering from any permanent or natural infirmity." They may also send an idiotic pauper to an asylum or establishment for the reception and relief of idiots maintained at the charge of the county rate or by public subscriptions. They have thus the amplest opportunity of using voluntary associations for the feeble-minded with and without the guarantees of inspection and certification.

Adrian, Vol. I., 88. Poor Law Amendment Act, 1868, Sec. 13.

214. In regard to the feeble-minded, their position is shown in the following statement; according to a return made to the Commission by the clerks to the guardians,* the separate Metropolitan Boards of Guardians on January 1st, 1906, were dealing with 1,407 cases of feeble-minded persons (exclusive of persons certified as insane). Of these about 933, or 66 per cent., were in the ordinary wards of the workhouse, as the following table shows.

Appendix, Vol. V. p. 71.

London.	In Workhouses or other Institutions belonging to the Guardians.		In other Institutions.	Receiving outdoor relief.	Total.
	In special wards or establishments.	In other wards.			
1.	2.	3.	4.	5.	6.
1905	242	639	178	34	1,093
1906	248	933	170	56	1,407

There is no reason to believe that these feeble-minded are different from those dealt with by the Metropolitan Asylums Board in some one or other of their institutions, and our own observation detected a general similarity.

215. Besides the powers we have mentioned the guardians have also the use of the institutions of the Metropolitan Asylums Board. Amongst the persons, certified and uncertified, whom the guardians may recommend to the Metropolitan Asylums Board, there are certified persons of unsound mind who, from the point of view of the mental disorder from which they are suffering, are quite the same as those who are admitted to the lunatic asylums of the county of London, though, in fact, they are dealt with by the Metropolitan Asylums Board.

Mann, 4978. Vol. I., p. 280, c. 1. Rotherham, Vol. I., 8762.

In addition to these, there are also cases of defective children known to the education authorities, some of which at the age of sixteen come for care upon the boards of guardians and so upon the Metropolitan Asylums Board; and further there is, as the evidence shows, yet another considerable group of children under sixteen who cannot be certified as suitable for admission to the special classes of the Education Committee of the County Council, or who, after sixteen, not being passed on to any institution, remain as idiots and imbeciles or feeble-minded in the general population.

216. To judge, therefore, of the circumstances of London in reference to the care and treatment of the mentally defective, it is necessary to take into account all those authorities by whom such persons, the certified and the uncertified alike, are educated or maintained. These authorities may be considered as separate units, each fulfilling a different function in one common organisation or they may be considered as separate units which are not co-ordinated and are each fulfilling the same or similar functions.

* With regard to the information contained in this Summary, it should be mentioned that the registers kept in the Poor Law unions do not specifically provide for a record of persons who could be classed as feeble-minded but not certifiable as insane. The particulars given in the returns are based on the opinion of the medical officers in the matter.

CHAPTER IX.

Institutional Disorganisation as to the Mentally Defective.

217. In a previous chapter we referred to the question of detention and certification in relation to Poor Law administration outside London. We have now to consider it in relation to London. The conditions are different, but in general the system that we suggested will apply equally. As an indication of the method of admission and certification in connection with the Metropolitan Asylums Board, we would take first several classes of cases, as, for instance, the harmless chronic or imbecile, the senile, and the "unrecovered cases," and then we would follow out the procedure adopted in a simple case in relation to the several authorities concerned.

Want of Co-operation between the Authorities as to the harmless, chronic, or imbecile class.

218. The Metropolitan Poor Act, 1867 (30 & 31 Vict., c. 6), enabled the Local Government Board, or rather the Poor Law Board, as it then was called, to form the Metropolitan Asylums Board to provide asylums for London for the reception of the sick, insane, or infirm or other class or classes of the poor chargeable to unions or parishes in the Metropolis. Two conditions were insisted on by the Order. The insane paupers to be sent to the Metropolitan Asylum Board's institutions were to be "such harmless persons of the chronic or imbecile class as could be lawfully retained in a workhouse." "No dangerous or curable persons could be admitted, such as would under the statutes in that behalf require to be sent to a lunatic asylum." And next (by Order dated April 2nd, 1897) provision might be made for "children who, by reason of defect of intellect, could not properly be trained in association with children in ordinary schools." Such children (by Order, March 4th, 1903) might be retained until the age of twenty-one, but whether children or adults, the class with which the Asylums Board was authorised to deal was the "pauper class," that is, "persons for whose maintenance the guardians of the poor are or make themselves responsible."

219. This Act and these Orders suggest that a division of labour between the asylums authorities, the Poor Law, and the education authorities was intended. To the asylums authorities under the Lunacy Act were to go the dangerous or curable cases, and to the asylums of the Metropolitan Asylums Board were to go the harmless chronic insane or imbecile. It follows from this that as the Asylums Board could, if they desired, make separate provision for "feeble and decrepit old people" as "sick" or "infirm," these, if the suggested classification were to be enforced, should not be sent to the institutions of the Board, which were established for the harmless chronic "insane" or imbecile; but that the institutions created for the latter class should be definitely reserved for them, and them only. It follows further that under the above-quoted Order, all these harmless chronic insane and imbecile persons should be sent not to the asylums of the County Council, the lunacy authority, but to the asylums of the Metropolitan Asylums Board, the authority for dealing with harmless chronic and imbecile cases. Nevertheless, in both directions, apparently, there has been transgression. Not only have the "feeble and decrepit old people, who, it is stated, are not really insane" been sent to institutions of the Metropolitan Asylums Board built and intended only for imbeciles and the harmless chronic insane, but they have also been sent to the asylums of the County Council, which, according to the Order, were primarily intended for the dangerous and the curable.

220. The instructions thus laid down by the Local Government Board, and, apparently, in great measure ignored, came into force, it must be remembered, at a time when the only local bodies that could be adapted to meet the wants of a growing administration were the boards of guardians, and this involved another difficulty. The new arrangements under the Metropolitan Poor Act were made for the "pauper class" only, and no similar arrangements were made for those who could afford to pay for themselves or their dependents and who were not in any strict sense of the term "paupers." But for them, too, some provision was necessary. The same difficulty occurred in regard to the admission of persons suffering from infectious diseases to the institutions of the Metropolitan Asylums Board. At first these institutions were open to paupers only.

Want of Co-operation between the Authorities as to the harmless, chronic, or imbecile class—*contd.*

Later, that restriction was found to be unworkable, for the institutions were intended for the general use of the community and could not serve their purpose unless they were so used; and in this instance the restriction as to pauperism had therefore to be set aside.

221. Hence, on this ground and on the lines on which we have previously argued the case, it appears to us that, if there is to be co-ordination between the authorities and agencies concerned, it is essential that the care of the mentally defective should be made a duty not of the Poor Law authorities, but of specially qualified authorities organised with that object. It follows, further, that if the care of the mentally defective were transferred to another authority, on that authority should devolve, not only such duties as those included in the Metropolitan Poor Act of 1867, but those duties also, to which we first referred, which the guardians throughout the country possess for providing for the maintenance of this class in rate-supported or in voluntary homes.

Metropolitan Asylums Board and the local education authority.

222. As between the Metropolitan Asylums Board and the Education Committee of the London County Council there arises a question quite similar to that which we have discussed as between the Metropolitan Asylums Board and the Asylums Committee of the Council. The residential homes of the Metropolitan Asylums Board duplicate for so-called defective pauper children the homes which have been established by the Education Committee for school children who are equally defective, though not technically "pauper." Yet if it is desirable that the mentally defective children of whom the Board have charge should attend the special classes of the Education Committee, and should not, as some of the witnesses have suggested, be admitted at a very early age into the Darenth industrial colony or some similar institution, and there receive all their education, it would seem best and most economical to have one instead of two sets of ancillary homes, to be used alike by all the feeble-minded of the same mental grade.

Senile cases, certification and discharge.

223. The certification and discharge of senile cases is another matter to which several witnesses have drawn our attention. Dr. Campbell, the medical superintendent of the Caterham Asylum of the Metropolitan Asylums Board, states that:—

Metropolitan Asylums Board Annual Report for 1905, pp. 232, 225.

"The aged, feeble, and helpless condition of those sent down for care and treatment in this asylum has been the subject of comment in past annual reports, but in no previous year (in his opinion) have the admissions been as unsatisfactory as during the past twelve months."

And of Tooting Bec, also, an asylum under the Metropolitan Asylums Board, Dr. Beresford, the medical superintendent, writes:—

"The character of the admissions has comprised a large proportion of very feeble and decrepit old people. . . . At the present moment 489 [out of about 714] of our inmates are of faulty habits. These figures convey more eloquently than the longest report the endless work and ceaseless anxiety which the care of patients of this type entails to those in charge of them. The healthy strong congenital case has been conspicuous by its absence. Whether they are retained by the workhouses 'as hewers of wood and drawers of water,' or whether they are sent to the asylums of the London County Council, I have no very definite information; but the fact remains that they do not come here, and that Tooting Bec should be called an imbecile asylum does not convey a correct statement of fact. In the adult wards of this institution there is not, at the present moment, a higher percentage of congenital cases than one would find in any county asylum."

Beresford, Vol. I., 5433, 5434.

224. These asylums, then, it appears, are being used not for imbeciles so much as for "very feeble and decrepit old people," whom the guardians pass on to clear their workhouses of troublesome cases. That they get better attention there is admitted. They are nursed as in a hospital, and under very different conditions from those which they have left, as is illustrated by the fact that on the female side, "out of 302 admissions, ninety-four were sent in from the parishes with lice in their heads." But the institution which was established for helpless imbeciles requiring infirmary treatment is thus being diverted to the use of old or rather moribund people.

Beresford, Vol. I., 5484, 5487.

"The average age on the female side is seventy-five, and on the male side seventy-four." "Many cases come to Tooting Bec who have been in bed for months and months and months, who have been got up each day."

Mr. Helby, now Chairman of the Metropolitan Asylums Board, stated :— Senile cases, certification and discharge—*contd.* Helby, Vol. I., 5293.

"Since Tooting Bec Asylum has been opened the Boards of Guardians appear to send all the senile decay people to us, certifying them as imbeciles—a most cruel thing. Our Tooting Bec Asylum is practically nearly full of what are termed imbeciles of that character, nothing more nor less than old men and women suffering from senile decay. One of the guardians is a justice of the peace, who calls in a couple of medical officers, and they certify this poor old soul because she is troublesome and dirty, and so forth, and thus she becomes an inmate of an asylum. To my mind it is very cruel; not only so, but it is a great mistake, because in congregating this class of patient together the expenditure is so greatly increased. In my opinion the proper place for this class of patient would be an infirm ward in the workhouse infirmary, where the relatives could visit them. The cost would also be less."

225. But further, on the side of the asylum authorities of the London County Council there is the same complaint. Dr. Mott, Director of the Pathological Laboratory of the London County Council, says :— Mott, Vol. I., p. 455, c. 2. Tables as to aged patients. Report of the Asylums Committee of the London County Council. 1903, p. 22.

"The pressure for accommodation in the asylums is partly due to the admission of aged patients suffering with mild senile dementia, softening of the brain, etc., who have loss of memory and are sometimes noisy and troublesome and unable to take care of themselves."

In the four years, 1899 to 1902, 590 patients were admitted to the London county asylums over seventy years of age.

"All the patients in workhouses who are feeble-minded, whose mental defect is fairly obvious, in London come into the Metropolitan Asylums Board's institutions. They do not want them in the workhouse, and, if they can be moved on, the workhouse people move them on. The accommodation in London workhouses is limited: it is too small." Sherlock, Vol. I., 8838–8839.

Generally speaking, this is true, though apart from these cases it was found on special inquiry that there were in addition to the feeble-minded persons admitted to the asylums of the Board 1,181 others who were in the workhouses.* Appendix, Vol. V., p. 71.

226. It results from this pressure, as we have seen, that institutions intended for imbeciles are turned into institutions for senile and other cases, and there is an extreme insufficiency of accommodation in the county asylums for lunatics. London is more "under-asylumed" than Lancashire, which is itself "very much under-asylumed." "We have always had patients waiting to come in," Sir John McDougall said. "Many hundreds?" he was asked. "Yes," he answered, "if you include those boarded outside, we are always behind." To neutralise this pressure at the county asylums as much as possible there is a large discharge of cases that have not really recovered. Insufficiency of accommodation for lunatics in asylums. Marriott Cooke, Vol. I., 6465-6466. McDougall, Vol. II., 17503, 17504.

"Owing to the pressure of accommodation and legal difficulties of retention, a considerable number of patients have to be discharged annually who would be better retained in asylums. . . . If the friends press and they are desirous that they (the patients) should be taken out, they are sent out on a month's trial." Mott, Vol. I., p. 455, c. 2. Vol. I., 8084.

227. If we examine the recurrent cases we find that of 8,933 persons discharged as recovered in the eight years, January 1st, 1895, to December 31st, 1902, 1,119, or 12.52 per cent., were re-admitted *within twelve months of their discharge* (up to March 31st, 1903). And a further anomaly: while this method of "passing on" is in progress as between the guardians and the Metropolitan Asylums Board, and the guardians and the asylums of the London County Council, the board and the council are each in great measure dealing with the same class of case. Thus, the opening of the Tooting Bec Asylum by the board accounted in some measure for the diminished increase of the certified patients dealt with by the Asylums Committee of the County Council, as patients who had been sent to this asylum might otherwise have found their way into one of the county asylums; and the Asylums Committee by the courtesy of the board were able to draft 198 patients to the Tooting Bec Institution, "these patients being thus placed out of the category of certified lunatics in asylums." Mott, Vol. I., pp. 457–458. Recurrent and unrecovered and senile and imbecile cases. Fifteenth Annual Report of the Asylums Committee of the London County Council, p. 6.

228. This side of the case, the relation of the Asylums Committee of the County Council to the guardians of the poor on the one hand, and the Metropolitan Asylums Board on the other, is very fully dealt with by Sir John McDougall, who was for sixteen years a member of the Asylums Committee of the London County Council, and for three years Chairman of the Council; at the risk of some repetition, it is well, we think, to state his views in some detail.

*With regard to the information contained in this Summary, it should be mentioned that the registers kept in the Poor Law Unions do not specifically provide for a record of persons who could be classed as feeble-minded but not certifiable as insane. The particulars given in the Returns are based on the opinion of the Medical Officers in the matter.

Chapter IX.
Institutional Disorganisation as to the Mentally Defective.

Recurrent and unrecovered and senile and imbecile cases—*contd.*

McDougall. Vol. II., 17629.

17647.

17541.

17542.

17544.

Vol. II., p. 374, c. 1.

17564.

17551.

17757-17760,

17562.

Vol. II., p. 373, c. 2

Patients were sent to the asylums of the county council who were senile and not strictly lunatic. "I object to the pauper dement or senile being sent unnecessarily as a lunatic to an asylum. I think a little care and treatment, watching them in the workhouse or an associated workhouse, is quite sufficient." "They could be kept with all the care and all the nursing you could give them in the workhouses . . ." "There is a number of patients now certified that need not be certified." "Nine-tenths of the patients come through the workhouses." The old senile dements are sent to the county asylums practically because some one wants to get rid of them. A great number of the patients complain very much, and the friends complain very much, that they are sent without the knowledge of their friends." They represent "very nearly one-third of those we receive. We have hundreds and hundreds now that we could dispose of if we had asylums similar to the imbecile asylums belonging to the Metropolitan Asylums Board." "It is a serious matter affecting the relatives and as touching on the question of heredity, to brand as a lunatic a man or woman whose faculties are simply decayed by the advance of years." The County Council has no option but to receive the cases, if they are presented to them properly certified, "but we have written many times to the various boards of guardians, endeavouring to stop the import, but we cannot send a patient that we think might be kept in a workhouse back to the workhouse unless the workhouse medical man will certify that there is proper accommodation for him there, which we can never get done." And then as to the Metropolitan Asylums Board Sir John McDougall stated that between June, 1901, and February, 1903, —when the Tooting Bec Asylum was opened—it was agreed that "upon the transfer of a patient from one of the board's asylums, a patient from a county asylum would, if required, be immediately received." But when the Tooting Bec Asylum was opened for the further reception of all imbeciles, the board for some reason put an end to the exchange of accommodation and no longer sent in fortnightly lists of vacancies. Since then there had been no systematic distribution of the different classes of patients between the two bodies, by which the imbeciles were sent only to the institutions of the Asylums Board, the acute and dangerous patients only to the county asylums. He thought that at the asylums of the County Council they could pick out many patients, chronic patients, chronic feeble dements, who might be sent to cheaper asylums. "Some 4,000 to 5,000 harmless lunatics ought to have been sent direct to the Metropolitan Aslyums Board." Immediately any patient in the Asylums Board asylums gets troublesome or dangerous, the patient is certified for detention in a lunatic asylum, and is removed to one of the London County Council asylums. "There is thus a frequent interchange of patients between the two bodies, and I would say that, in my opinion, this kind of dual control is most unsatisfactory."

McDougall, Vol. II. 17547.

229. There is thus a pressure put upon the asylums of the County Council because the Poor Law guardians send their imbecile and senile cases to them, and because there is no distribution of these cases as between the Metropolitan Asylums Board and the County Council. The Asylums Board does not meet the need itself by providing for all harmless and chronic paupers; and thus the County Council, sorely in need of accommodation for acute and dangerous cases, cannot transfer the imbecile cases which block their establishment to the board that is primarily responsible for making provision for them. And so it comes to pass that, as Sir John McDougall says: "As far as I can judge there is no line between a lunatic and an imbecile of later age except that a very tiresome imbecile is a lunatic; a very quiet lunatic is an imbecile—that is the practical result of it."

230. These statements are supported by figures which show that the increase of lunatics belonging to the County of London is very large; that the lunatics have of late been transferred year by year from the guardians to the County Council asylums, and now few remain under the care of the guardians; that the pressure falls less and less upon the Metropolitan Asylums Board, and more and more upon asylums of the County Council, and that an increasing number of those who are sent as lunatics to these asylums are aged people.

231. The population of London has increased between 1890 and 1905 by 489,209, or 11·8 per cent.; the number of certified pauper lunatics for whom the council had to find accommodation increased from 10,100 to 17,770, or at the rate of 75·9 per cent. If the number of all classes of pauper lunatics be totalled—those in the Metropolitan Asylums Board asylums, those in workhouses and those with relatives and friends—the increase is from 16,358 to 24,652, or 50·7 per cent. The demand for accommodation is thus outstripping largely the increase of population.

Pauper lunatics and division of work as between the County Asylums Committee and the Metropolitan Asylums Board.

232. The following table indicates the movement of pauper lunatics :—

McDougall, Vol. II., p. 372, and p. 373.

London Pauper Lunatics Resident.	1st January, 1890.		1st January, 1905.		1st January, 1906.*	
	Numbers.	Per Cent.	Numbers.	Per Cent.	Numbers.	Per Cent.
In County Asylums and Licensed Houses.	10,100	61·74	17,770	72·08	18,130	72·64
In Imbecile Asylums - - -	5,566	34·03	6,450	26·16	6,411	25·69
In Workhouses - - - -	408	2·49	280	1·14	264	1·06
With Relatives and Friends - -	284	1·74	152	·62	152	·61
	16,358	100·00	24,652	100·00	24,957	100·00

The pressure on the County Council asylums thus continues to increase, yet not, in 1905 or 1906,† at the high rate of former years, while of the whole number of persons certified as "insane" a smaller proportion of "imbeciles" is maintained by the Metropolitan Asylums Board—though the distinction between those who are properly "imbecile" and should be maintained by the board, and those who are "insane" and should be maintained by the Council, is not preserved. And in general confirmation of this, we may mention that we learnt from Dr. Tredgold, who spent two years studying the various aspects of mental defect under the County Council, that in the asylums of the County Council there were during that period about 700 idiots and imbeciles in a total population of 14,000, or roughly about 5 per cent.

Tredgold. Vol. I., 7281. p. 399. c. 2.

233. Lastly, in a Return made in the year 1903 of those in that period admitted to the County Council Asylums, it appeared that out of 4,502 admitted, 483 were sixty-five years of age and upwards, and of those 311 had never been previously certified. Hence, as in the case of the Metropolitan Asylums Board, so in the case of the county asylums, those institutions appear to be becoming more and more a refuge of the aged, whose minds and bodies are alike in decay.

McDougall, Vol. II. p. 374, c.1.

234. All this demonstrates that there is no systematic division of labour between the board and the council, and that they deal with the same class of case to a very large extent. It results that many are certified and dealt with as lunatics unnecessarily, inasmuch as they do not need the special care and treatment which a lunatic asylum is designed to provide. This is a strong argument for unification of control and uniformity of certification. But the financial arrangements of the administration of the Metropolis represent a further element of difficulty. They put a premium on the Poor Law Guardians sending out of the workhouses all cases that can be certified. This is very clearly shown by Sir John McDougall :—

Financial considerations affecting the policy of the guardians in sending cases to the county asylums.

McDougall, Vol. II., p. 374 c. 1.

"The whole cost of the maintenance of pauper lunatics, paid by the guardians, is, after allowing for the grant, borne by the Common Poor Fund, and the grant of 4s. per week is, in effect, paid into the Common Poor Fund, and acts as a relief to the rates of London as a whole. In the case of London, however, the fact that the whole cost of lunatics is centralised, while the cost of ordinary paupers is only partially centralised, offers a strong inducement to the guardians to send paupers from the workhouse or infirmary to county asylums. The same remark applies to the sending of paupers to the asylums of the Metropolitan Asylums Board, as the cost of those is also wholly centralised."

* The Seventeenth Report of the Asylums Committee of the London County Council to March 31st, 1906, p. 1.

† In 1906 the increase was 305; the corresponding increase in 1905 being 704; Sixteenth and Seventeenth Reports, Asylums Committee of the London County Council.

PART II.
THE PROBLEM OF THE METROPOLIS.

Chapter IX.
Institutional Disorganisation as to the Mentally Defective.

Financial considerations affecting the policy of the guardians in sending cases to the county asylums—*contd.*

"The average cost of the maintenance and accommodation of indoor paupers in London Unions in 1902–3 (so far as it can be ascertained from the published Local Taxation Returns) works out at £35 9s. 3d. per head. Of this cost an amount equal to £20 4s. 5d. per head is borne by central funds by means of the county grants and Common Poor Fund. The remaining cost, amounting to £15 4s. 10d. per head, is borne by the guardians on local rates. When, therefore, a pauper is transferred from a workhouse or infirmary to an asylum, he becomes chargeable to London as a whole and the guardians save this expenditure of £15 per annum, or at least that part of it which represents actual maintenance (after deducting the grant from the Common Poor Fund of 5d. a day, or £7 12s. 1d. per annum) as distinguished from charges which are more or less permanent, such as debt charge, maintenance of buildings, etc.

McDougall, Vol. II., p. 374, c. 2.

There is a thus a strong financial reason for sending as many paupers as possible to asylums. This inducement appeals most strongly to those unions which are pressed for accommodation and have to board out some of their paupers, as in such cases the whole cost of maintenance and accommodation would be saved by the transfer. While the individual unions thus gain a financial advantage by sending paupers to an asylum, such a transfer throws additional burdens on London as a whole because the cost of maintenance and accommodation is higher in the case of inmates of asylums than in the case of inmates of workhouses. Thus in the year 1902–3 the average cost of lunatics in the London County Council's asylums works out at £42 7s. 10d. per head, while the cost of the inmates of the imbecile asylums of the Metropolitan Asylums Board for the same year is estimated at £44 per head as against £35 9s. 3d. per head in respect of ordinary indoor paupers.

The area responsible for the patient has, of course, to bear its rateable value proportion of this additional cost; but this would be a very small matter as compared with the direct saving referred to above."

235. The effect of this financial arrangement—applied to one particular class, the insane—would appear to be, that those who are considered insane increase in number, and that many who were not formerly so called or considered are placed in that class and so dealt with. The assistance from the Exchequer does not aid the mentally defective in all their sub-classes, that is, for instance, as imbecile or feeble-minded; it tends to push into the one sub-class "lunatic" all those cases which the guardians would wish to transfer. Be this done rightly or be it done wrongly, these cases would not all be termed "lunatic," if there were other recognised classes in which they might be placed and other suitable institutions to which, if it were right, they might be sent; nor would admission to an asylum then remain a form of treatment which is practically adopted in preference to all others.

McDougall, Vol. II., 17607–17611.

236. Another cause of disorganisation, according to Sir John McDougall, is the method of discharge from the asylums. "Unrecovered" cases are frequently discharged. This is partly the result of the need of more accommodation, partly the result of the policy adopted by the Visiting Committee of the London County Council, as they believe, in accordance with the Lunacy Act of 1890.

By Sec. 38 of the Act of 1890 a reception order remains in force for a period of one, two, three, and five years respectively, subject to a special report of the medical officer of the institution or of the medical attendant of the single patient as to the patient's mental and bodily condition; and a certificate that the patient is still of unsound mind or a proper person to be detained permits of his being detained. But if, in the opinion of the Lunacy Commission, the special report of which a copy is sent to them, does not justify the certificate, they make further inquiry, or if the patient is in an asylum, they ask the visiting committee of the asylum to do so—leaving them to discharge the patient or give such directions regarding him as they think proper. This Section would seem to give to the Visiting Committee full discretionary power to discharge the patient on revision. In practice, however, this does not represent what is desired by the Visiting Committee of the London County Council, and what they believe would prevent unnecessary and injurious discharges. Their scheme would be on admission to refer patients not direct to an asylum, but to a receiving house where "we should see a great deal of weeding out," for instance, "some drink cases which need not be certified when they are almost recovering medically before they are sent to an asylum." On discharge, on the other hand, they would desire to control the patient after the passing of the actual attack of insanity, when ordinarily the discharge would take place. "Even after persons seem fairly well," they might advantageously be under control for some months afterwards, and there might be "a stepping-stone between actual insanity and discharge." Then, when they were actually discharged, they would be kept under the friendly supervision of an after-care association. Now, when under the 38th Section of the Lunacy Act, 1890, a continuation certificate is sent to the Lunacy Commissioners and the facts do

McDougall, Vol. II., 17670.

17798.

17781.

17783.

McDougall, Vol. II., 17819-17820.

not in their opinion justify it, the document has to be forwarded to the Visiting Committee for inquiry and decision by them, and the latter often give the patient the benefit of the doubt and discharge him with injurious results.

Financial considerations affecting the policy of the guardians in sending cases to the county asylums—*contd.*

237. On this point our opinion is that, in the case of certified lunatics, the present law allows sufficient powers for the prevention of the discharge of "unrecovered" cases, if the medical officer bases his certification not on the actual and momentary state of the patient, but on his knowledge of the case as a whole, and the anticipations in regard to it which the facts warrant. In regard to this no legal limitation is imposed on the discretion of the medical officer: and it is of the highest importance that nothing should be allowed to interfere with his discretion to detain persons whose release would be a danger, although, for the moment, they appear to be rational and tranquil. But, unfortunately, there is another reason for the discharge of "unrecovered" cases, the pressure on accommodation, to which reference has already been made.

Mentally defective children.

238. We have now to pass to the children; and in their case too there is a similar want of co-ordination. In order that some of the mentally defective children cared for by the Metropolitan Asylums Board may attend the special classes of the Education Committee, the Board has opened residential homes for these children near the special class centres. The Education Committee for the same purpose has also opened residential homes for the same class of children, who are not under the Board. The Board may not take charge of mentally defective children under five years of age, nor keep them after twenty-one, unless they are certified as lunatics or idiots. The Education Committee, on the other hand, receives the children into its special classes between the ages of five and sixteen; but at sixteen no provision for them is forthcoming, however defective they may be, unless a board of guardians obtain for them admission into an institution of the board until the age of twenty-one. And, again, if at the age of seven they are disqualified for attendance at a special school as not "capable of receiving benefit from instruction in a special class," then, unless their relations or friends are able to maintain and look after them, they are left uncared for, if the guardians do not intervene, which, it is stated, they are often very unwilling to do. It has been ascertained directly," so the evidence runs, "that in some cases these children have been refused, and the guardians' refusal not infrequently has been backed up by a certificate from their own medical officer, while in other cases the refusal has been backed up by such statements from the guardians or relieving officer to the parents, that they have refused to allow the child to be submitted to the hardships they were afraid of; and so these cases remain about the houses and streets, meanwhile degrading and exhausting the whole family in which they live.

Regulations. Board of Education, 1907, Cd. 3636.

Kerr, Vol. I, p. 440, c. 2; p. 433, c. 2;

7958, 7961, 8007.

239. Our general conclusion on this branch of the subject is that there is in London a division of authority and a want of administrative accord which is fatal to any successful treatment of the problem, and which is the strongest argument for some such settled uniformity of procedure and unification of authorities as several of our witnesses have very strongly advocated.

Procedure for certification, etc., under the Lunacy Act, etc.

240. We would now consider in more detail the questions which are raised by a study of the table printed above (Par. 210), and by these general conclusions. We will follow out the procedure in a simple case.

First, we may take those cases in which the person has been brought to the workhouse by the relieving officer, and may or may not be there retained as a lunatic. "Lunatic" means an idiot or person of unsound mind"; and "workhouse" "includes an asylum provided for reception and relief of the insane under the Metropolitan Poor Act, 1867, and the managers of every such asylum shall exercise the powers and perform the duties by this Act conferred and imposed upon the guardians of the union to which a workhouse belongs."

The Lunacy Act, 1890, 53 and 54 Vic., c. 5, Sec. 341.

If the lunatic is to remain in the workhouse, the medical officer of the workhouse "certifies in writing (*a*) that such person is a lunatic, with the grounds for the opinion; (*b*) that he is a proper person to be allowed to remain in a workhouse as a lunatic; and (*c*) that the accommodation in the workhouse is sufficient for his proper care and treatment, separate from the inmates of the workhouse not lunatics, unless the medical officer certifies that

The Lunacy Act, 1890, Sec. 24.

Procedure for certification, etc., under the Lunacy Act, etc.—*contd.*

the lunatic's condition is such that it is not necessary for the convenience of the lunatic o· of the other inmates that he should be kept separate." And the medical officer has to state the grounds of his opinion that the person is a lunatic.

Lunacy Act, 1890. Form 11.

On this certificate, which is sufficient authority for detaining the lunatic for fourteen days, supported by a further certificate under the hand of a medical practitioner not being an officer of the workhouse, the relieving officer may apply to a Justice of the Peace, and the Justice may give an order of detention to the master of the workhouse to the effect that the pauper in the said workhouse is " a lunatic, or idiot, or person of unsound mind," and " a proper person to be taken charge of under care and treatment in the workhouse, and being satisfied that the accommodation in the workhouse is sufficient " for that purpose, either separately from other inmates who are not lunatics or not apart from them ; and that the master of the workhouse should take charge of him, and, if the workhouse medical officer should certify it to be necessary, should detain him as a patient in the workhouse. A statement of particulars signed by the relieving officer follows.

On the other hand, if the lunatic is not to be detained in the workhouse, but to be sent to an asylum, the justice (having called to his assistance a duly qualified medical practitioner) may make an order of reception in similar terms, and may direct the superintendent of the asylum of the county to receive the pauper lunatic as a proper person for detention in an asylum. A statement of particulars by the relieving officer in this case also follows. This would be the normal procedure in the case of pauper lunatics.

Mann, 4978, Vol. I., p. 282, c. 1, and Metropolitan Asylums District Asylums Amended Regulations Consolidated. Art. 2 and 3 and forms. Local Government Board Order, Feb. 20th, 1875.

241. We turn next to admissions to the asylums of the Metropolitan Asylums Board. In the case of these admissions the medical officer of the workhouse certifies that he has personally examined the individual, and that he is, in his opinion, a chronic and harmless lunatic, idiot or imbecile, and, as such, might be lawfully detained in a workhouse, and a fit person for admission into the Metropolitan Asylums District Asylum at . . . . . ; and that he has formed his opinion on (1) facts observed by himself, which he states; (2) on facts communicated to him by others—which he states, together with the names of those from whom they have been ascertained. This certificate is accompanied by an admittance order from the clerk of the union sending the pauper, and a report from the chairman, vice-chairman or member of the visiting committee of the board of guardians from whose union the pauper is sent, stating that he is satisfied that the individual is a proper person to be sent to that asylum.

Mann, Vol. I., 5010, 5011, 5012. 5070, 5098.

242. There are thus two concurrent methods of certification. The " certificate " of the medical officer, the " order " of the clerk, and the " report " of the chairman just referred to are sufficient to transfer a lunatic who is " chronic and harmless " from the workhouse to the asylum of the Metropolitan Asylums Board. But they are not enough to detain him. He has only been removed from one kind of workhouse—the ordinary workhouse—to another kind of workhouse, the asylum-workhouse, as defined by the Lunacy Act of 1890 (*see* above). Consequently he retains his right of free egress, subject to the notice of twenty-four hours. To detain him at the asylum workhouse, an order for detention under Sec. 24 of the Act of 1890 is necessary, just as it would be required if he were detained in the workhouse; and though the person might remain uncertified in the workhouse for a long period, yet if he is removed to one of the Boand's asylums he must be certified. And thus, as we have seen, under the guise of " chronic and harmless lunatic or idiot" and " lunatic or idiot or person of unsound mind," old paupers, long bed-ridden in a workhouse, are transferred to the Board's asylums.

Mann, Vol. I., 5060.

Adrian, Vol. I., 103.

Mann, Vol. I., p. 282, c. I.

Mann, Vol. I., p. 282, c. I. 5015.

243. The complication is still greater in the case of children.

" In the Lunacy Act of 1890 there is no mention of age, so that strictly speaking every lunatic, whether a child or an adult, should be certified," that is, if these persons are to be detained, they must be detained as lunatics in an asylum workhouse. The Lunacy Commissioners themselves, however, were not accustomed to require certificates in the case " of idiot children under sixteen years." So the Asylums Board did not require the certificates in these cases. But after the age of sixteen these persons could take their discharge, unless they were certified—that is, just at the period when " this training was producing the most substantial results," and, it may be added, the danger of discharge was greatest. This was unsatisfactory, and hence each child under sixteen is now certified as " lunatic, or idiot, or person of unsound mind," and unless he become chargeable to some country union, or be discharged for

Mann, Vol. I. 5015.

certain habits which are regarded as very unsuitable for a child who mixes with other children, he goes to the over-sixteen colony at Darenth. Of these "imbecile" children the Asylums Board cannot take charge till they are five years of age. Accordingly, if they are placed in the guardians' hands and their parents cannot take proper care of them, they must, unless they are boarded-out, remain in the workhouse or infirmary till that age. Procedure for certification under the Lunacy Act., etc.—*contd.* Rotherham, Vol. I., 8759.

244. There is yet another distinction. In the case of "feeble-minded" children—the Asylums Board deal with children of seven years of age and upwards. In their case, as in that of adults, two Poor Law certificates are necessary, one signed by the clerk to the board of guardians sending the child, the other by the medical officer, "to the effect that the child is one who by reason of defect of intellect cannot properly be trained in association with children in ordinary schools." There is not, as in the case of "imbecile" adults, any report from the chairman or member of the visiting committee. But, by its medical officer, the education authority has to give a further certificate that the child "is likely to be improved by the training given in the special classes," and then the child, having been admitted to one of the Asylums Board's residential homes can also attend the special classes. At sixteen, however, the child can no longer attend the special classes—and then, without further examination by the medical officer of the education authority, but on the order of the medical officer of the board he is transferred to the Industrial Colony at Darenth. But, if he has not already been certified under the Lunacy Act to ensure his detention he must now be so certified as "lunatic or idiot or person of unsound mind." For child and adult alike, this conjunction of certificates is necessary to lodge him and to detain him. For the child at the special class, the education authority's certificate is also necessary. But for the child who is attending a special class, and is not in a residential home of the Asylums Board and under their charge as a "pauper," there is no home available as a matter of course after sixteen. His friends must have him certified as "lunatic or idiot or person of unsound mind" and he must become a "pauper" to gain admission. Local Government Order, April 2nd, 1897. Mann, Vol. I., p. 282, c. 1 and c. 2.

245. It is stated that cases of misdirection, due to the opposite views of medical men attached to different authorities sometimes arise, and one instance was mentioned, which, though exceptional, indicates the deadlock that may occur in these circumstances. The child in question, maintained by a board of guardians, was rejected for the special schools of the education committee as being an "imbecile." He was, therefore, retained by the guardians and sent to the Asylum Board's Reception Home. There, with a view to permanent detention it was necessary to have him certified under the Lunacy Act. "Under the present practice of applying at once for its certification under the Lunacy Act for permanent detention, we found it impossible to retain the child, on the ground that our own medical superintendent cannot sign a fourteen-day order." He therefore called in the assistance of an outside medical practitioner, but this medical man, very naturally, would not certify for the permanent detention of the child as a "lunatic." Hence at the time at which our evidence was received the child was too "imbecile" to be educated at a special class and for that purpose received into one of the board's residentiary homes, and not "lunatic" enough to be admitted into the board's industrial colony and trained there. This case is "quite exceptional, but still there are children just on the border line between the two classes with whom it is very difficult to deal. In London very much depends on the difference between the different medical officers in the different districts." Mann, Vol. I., 5098. Mann, Vol. I., 5098. Mann, Vol. I., 5102, 5103. Helby, Vol. I. 5152, 5361.

246. In connection with the education authorities there is a similar difficulty, when their medical officer has, under the Elementary Education (Defective and Epileptic Children) Act, 1899, certified that a child should be educated in special classes, the parents may obtain certificates from local practitioners to the effect that the child is fit for education in an ordinary class. These certificates come, on the parents' appeal, before a magistrate, who on occasion sends for a teacher, and on his evidence and that of the certificate, decides whether the certificates of the medical officer should be supported or set aside. Kerr, Vol. I., p. 436, c. 1.

PART II.
THE PROBLEM OF THE METROPOLIS.

Chapter IX.
Institutional Disorganisation as to the Mentally Defective.

Unification of Authorities necessary to avoid conflicting certification.

247. We cannot but conclude that there should be such a unification of authorities as should operate, so as to dispense with this duplication or even triplication of certificates and Orders, from the officers of the boards of guardians and the Asylums Board, the education authority, and the justice of the peace under the Lunacy Act. The children in the different institutions and under the different authorities appear to be more homogeneous than the system of certificates that separates and classifies them. Mr. Helby, who is now chairman of the Metropolitan Asylums Board and was for six years a member of the London School Board, says in regard to the similar characteristics of the children maintained in the institutions of the Asylums Board and those taught in the special classes by the Education Committee of the London County Council—

Helby, Vol. I., 5152, p. 296, c. 2.

> "At the present moment my experience has been this, that you may get a medical man in one room and another in another room, and the same patient may go before one who would certify him as only being feeble-minded, and the other would certify him as being imbecile. I have seen it over and over again. . . . . I have gone, for instance, when I was on the School Board, and seen what they call the 'defective' children, I have seen also those which are feeble-minded under the Children's Committee of the Asylums Board, and I have seen also very many of those and examined them at the Darenth Improvable Schools, and I am bound to say this, that I have seen some of those, and examined them, spoken to them and so forth, at Darenth Asylum, where they are under detention, and found a better class of child than those whom I have seen either at the School Board Defective Schools or under the Children's Committee."

This corresponds closely with the view to which we have been led by our personal experience.

For children so closely akin in mental ability and defect one system of administration, certification and detention may well suffice.

Discharge from Asylums, etc., of the Metropolitan Asylums Board.

248. Of the present system of discharge from the asylums and homes of the Asylums Board, the inconvenience of which is prevented in part by the contrivance of certifying the inmates under the Lunacy Act, there is also criticism. The power of discharge which the guardians have is used much too freely, it is stated.

Sherlock, Vol. I., 8870.

Dr. Rotherham, the medical superintendent of Darenth Asylum, says :—

Rotherham. Vol. I., 8752.

> "I can have a notice sent down by the board of guardians, ordering me to deliver over a patient I have got next morning to the patient's friends; and the guardians will make no application to me first to know what condition the child is in, whether it is fit to be discharged or otherwise. I had a notice a little time ago which ordered me to discharge a very bad epileptic who was not fit to be taken away by the friends, but I was quite helpless. I had to let it go."

Rotherham, Vol. I., p. 509, c. 1. Mott, 8051, 8052. Vol. 1. Shuttleworth, Vol. 1., p. 573, c. 2. Sherlock, Vol. I. 8864. Rotherham, Vol. I. 8745. Rotherham, Vol. I., p. 509, c. 1. Kerr, Vol. I., 7843. Kerr, Vol. I. p. 439, c. 2, 7943. Bond, Vol. I., p. 469, c. 2.

249. In view of these difficulties it has been suggested that certificates should be made by a special board of medical men, who should have a special knowledge of this type of case, "defective children, including epileptics," and that the power of discharge should also be in their hands; that some simple process of certification should be adopted applicable to all classes of the feeble-minded and replacing the cumbrous procedure at present required under the Lunacy Act, 1890; that for permanent renewable detention there should be a magistrate's certificate, with subsequently a fresh certificate given by the medical superintendent of the institution every three years until the patient reaches twenty-five years of age; and that no further certificate should be necessary after that time; and that "there should be a very much more careful selection of children (for special schools) than is possible at present." "We want," Dr. Kerr says :—

> "An hour spent on them perhaps one week, and an hour the week afterwards, in the case of special children. Nine-tenths you can settle at once, but probably one-tenth would require careful medical inspection and supervision with a view to classification."

Further, it is suggested that there should be a recognised "standard of imbecility," in order that, where a child is certified to be imbecile by the medical officer of the Education Committee he (or she) may not be refused by the medical officer of the guardians on the ground that he (or she) is not imbecile enough for admission to an institution; and that the public authority or authorities should take into consideration the total needs of the cases as brought out by a study of their life-history at various ages, and that if possible the provision of those needs be entrusted to a single authority.

250. We have now to consider the work of the Metropolitan Asylums Board, especially in reference to the residential homes for defective children which are associated with the special classes of the Education Committee of the London County Council and to the Darenth Industrial Colony; and we have also to consider the work of the Education Committee in this department.

CHAPTER X.

Educational and Industrial Institutions of the Metropolitan Asylums Board.

251. To two types of institutions managed by the Asylums Board we would draw special attention; the residential homes and the industrial colony at Darenth.

The Residential Homes.

252. There are seven homes of the board for defective children: three for boys and three for girls, and one—an experimental home for elder cases up to twenty-one years of age. In the last there is accommodation for forty-three pupils. The others are small homes, with from ten to twenty-two inmates. The board has thus had considerable experience in this branch of work.

Annual Report Metropolitan Asylums Board 1905, pp. 28 and 41.

The Hon. Maude Stanley, who is Chairman of the home for feeble-minded girls at Lloyd House, gave us an account of the residential homes. She said that at Lloyd House there were twenty girls, and in an adjoining house eight.

Stanley, Vol. I., 7217 and 7218.

> We send them every year to the seaside for four weeks to one of the homes belonging to the Metropolitan Asylums Board during the school holidays. When they do not go there, they are taken out for excursions. Everything is done to try and brighten them up. I took them once to see Westminster Abbey. They have been taken to see other places to try and give them fresh ideas. In the home we give them work to do. They do some washing and cleaning on Saturdays, and some needlework, they have a lesson in musical drill once a week. They do that very well. They are very happy here, and they have no wish to leave the home.

Vol. I., 7256.

By keeping the children in special homes and allowing them to go out to the public elementary schools in the neighbourhood, they "get the advantage of mixing with other children in the day schools;" while they are also under "the kindly supervision of the matron and servants in the home. These children are very affectionate children."

Turner, Vol. I., 8617.

Classification of cases in residential homes and early training.

253. Miss Turner, who was medical attendant at five of those residential homes, said that she classified the children as (1) very mentally deficient; (2) mentally deficient; (3) backward; (4) normal; (5) over bright and eccentric. She had classified them after special investigation. Most of the children had been already in truant schools. A great number had been charged before for small offences, playing truant, being beyond control, and many had already been in truant schools from six months to two years. Of 100 boys and twenty-eight girls, she thought that only 19 per cent. ought to be in special schools. "Ten per cent. were absolutely deficient, and some could be certified at the present time as imbeciles." About 20 per cent. would require permanent detention, but probably only half the number if they had been taken early." And on this point Miss Turner insisted. She thought there would be a considerable number of backward children who, if dealt with early, would only require temporary detention, at the very most a year or two's training.

Vol. I., p. 502, c. 2. Vol. I. 8624. 8628. 8631.

Vol. I., 8676–8678.

> "If it is a bad case that wants attention the child should get a chance of early training. I should have it certified and sent to a colony, but if not a bad case I should see that the surroundings are healthy. In my opinion seven years old for a deficient child is too old to start treatment; a deficient child ought to be taken in hand long before that. With many of the children I have had in these homes, and privately, the mothers have said that they noticed things were wrong from the beginning. . . If the mothers notice this (and they are not so quick to notice these things in their own children) I think that proves that deficiency may be noticed early and ought to be under treatment early."

Turner, Vol. I., 8695–8698.

There might be total recoveries, "if they were started young enough. That has been the difficulty all along. We have had them so old, after they have formed all their habits and been in unhealthy surroundings too long. Then it takes twice the time to get them into decent ways of living than if we had them quite young." "Five is really too old to start special training; three would be better." The home was necessary for "bringing up," which was of more importance than head training. In the home that would be provided in the first instance by kindergarten teaching.

8702.

Mann, Vol. I., 5029.

Cost in small residential homes.

254. The cost of maintenance in these small homes was naturally high, viz., £37 1s. per head in addition to the cost of education, which is provided by the special schools.

Turner, Vol. I., p. 500, c. 2., and 8714.

The beneficial effect of employment.

255. In regard to results under present conditions, witnesses have stated before us, that these feeble-minded grown-ups, at eighteen or nineteen, could really do as good work as an ordinary average person of the servant class, "under supervision"; but for other reasons one could not risk it." Drafted into a

The beneficial effect of employment—*contd.*

large home—such as the home for "ophthalmic" children, they can do other things besides laundry work; they can help in cooking and housework. There would not be enough work for them to do, if the adult homes were by themselves. The productive work that they can do, if carried on in an institution—their work as servants—is quite as good as that of an ordinary intelligent person.

Stanley, Vol. I., 7263. Hargreaves, Vol. I., p. 322, c. I.

This view was fully confirmed by Miss Hargreaves, who was matron at Rochester House, which was opened in 1901 for improvable imbeciles—ninety-six males and sixty females. There the children had been carefully selected as improvable, but they included instances of marked imbecility. There were two buildings, one for males and the other for females. In amusements and outdoor recreations all joined. Supervision was exercised in such a manner that the children seemed scarcely aware of it. This gave them self-confidence and helped them to work on their own initiative. All the children were under training in the school, or the workshops, or engaged in household work, the kitchen and the laundry. Simple kindergarten instruction and elementary lessons in the three R.'s formed the basis of the education, with object and nature lessons. And much was taught by drawing. "Manual work was begun as soon as the child showed any aptitude in that direction."

Vol. I., p. 322, c. 2.

"I am of opinion that boys learn a trade much more quickly and more easily if their tuition is commenced early, provided that their strength is not overtaxed. and that sufficient relaxation is given."

Vol. I., p. 323, c. 1.

As far as possible the boys and girls did the work of the place. An assistant gardener was dispensed with, and the boys did his work; others helped the handyman; one paid woman and six girls did the work of the laundry; the cook with the assistance of five girls did all the cooking and work in the kitchen. So in the needlework room. On the male side, when the institution was opened six girls were sent over daily to make beds, etc., in the boys' dormitories. The boys had now been taught to do the work themselves. With this, as part of the method of education, systematic recreation was carried out on a large scale, and book learning was at a minimum.

5907. 5908. 5976,

Financial Results of Training. Vol. I., 5898. 5926, 5923.

256. This training in employment had an important financial result. It was found quite unnecessary to engage the paid labour which it was intended to have when the premises were acquired; and as the children grew and improved, they would take the work off the hands of yet other servants. Miss Hargreaves said:—

"From careful study of the working of Rochester House during the four years it has been open, I am of the decided opinion that at the end of eight years the same staff would be quite capable of dealing with double the number of children."

Vol. I., p. 323, c. I.

The average annual cost, with only 156 inmates, is not more than £29 9s. This is attributed "entirely to the training of the inmates and to the great amount of work in the institution performed by them." The success of this institution received immediate recognition, and now with equal advantage, but on a much larger scale, the same method is adopted in the Darenth Industrial Colony to which the children from "Rochester House" have been transferred.

The Darenth Industrial Colony. Mann, Vol. I., 4998.

257. A "colony" for this purpose may be defined as an institution where the central buildings and the infirmary, and so on, are on the smallest scale necessary, and where the living and working arrangements are of an economical description, and the inmates spend most of their time in workshops or working on the land. It would lie within one curtilage, and the children in it would be separated from normal children.

Annual Report of the Metropolitan Asylums Board for 1905, p. 234. Helby, Vol. I., 5214–5242. Mann, Vol. I., Table p. 231.

The Darenth institutions may be said in some measure to represent the first experiment of uniting in one colony improvable children, young persons over sixteen, and adults, an experiment which is not yet fully made, but is in process of development. The buildings stand in 164 acres of land, and are placed on an open, breezy hill slope. Besides pavilions temporarily used for unimprovable children, there is an asylum for improvable adults and houses and workshops for the colony. Altogether there are about 1,900 persons, excluding the staff. About 500 of these, under sixteen, are in the schools; another 400 helpless and hopeless cases are in the pavilions, and in the industrial colony there are about 1,053. Of these there were 440 males and 315 females usefully employed. These give not more than two hours a day at most to non-manual work. There is an upholsterer's shop where furniture is upholstered for other

institutions of the Asylums Board, a shoemaker's and a tailor's shop, a brush shop, a basket shop, and, besides other employments, work under an "industrial painter" and an "industrial carpenter" under whom the inmates work for other Asylums Board establishments. Their work, in the year, in the painting of buildings was valued at £550. The inmates also take a large part of the work in the kitchens and laundries. "Up to within the last six months a large number of the adult imbeciles were simply wasting their time, though they were capable of doing work," Mr. Helby said. Yet an industrial colony should, in his opinion, in the course of time be made to a large extent self-supporting. The Darenth Industrial Colony—*contd.* Helby, Vol. I., 5183, 5188, 5210.

"The children could be very greatly improved," Dr. Rotherham, the superintendent, said; "they could do anything mechanical so long as they were looked after. They could not initiate anything at all; they were only good when they were being constantly supervised." For instance, one patient now at Darenth was worth to the institution 15s. a week as a labourer, and a few others were getting on nearly as well perhaps. Out of 425 male patients, 412 were at present working. "Quite half of those were doing something towards their own maintenance, and the others are beginning to help to do something, and in time will do something, towards their own maintenance." Rotherham, Vol. I., 8773–8779.

258. Parallel to this evidence of improvement is as strong evidence of deterioration if the children are withdrawn from instruction and supervision. "Those who go back," Dr. Turner says, "should be looked after. They go back to surroundings probably bad, to parents afflicted just in the same way as the children, probably neurotic or of the criminal class, whose influences accentuate the very thing you want to eradicate." And Mrs. Burgwin, Superintendent of the Special Schools under the London County Council, says of the children in special classes on their leaving: "Some of them have been certified and taken away, others have been had up for petty thefts, or cruelty, or fighting in street brawls. They are subject to spasms of anger. Some of the girls drift into the maternity wards." Turner, Vol. I., p. 500, c. 2. Burgwin, Vol. I., 8572.

259. In 1904 the cost of maintenance in the colony, including the unimprovable children, the adults, and the improvable children, was £31 4s. a head. This included all charges except central charges and capital expenditure and rent. Cost in the "Colony" at Darenth. Mann, Vol. I., p. 284, c. 2.

Answering a question in regard to the colonies abroad, Mr. Helby said that the inmates could do a lot of building themselves in their own industrial colony, could gradually work it up, and so could get it established for half the cost. Labour at the present time, with the trade union rates of wages and hours of labour, render it most difficult to know where you are. It is not only a question of the rate of pay; but you have three men to do the work of two. That would mean a considerable saving. The cost of maintenance at Darenth (1905) was 10s. 6·8d. a week. The more the colony became industrial the more this could be reduced. In an entirely industrial colony the cost of maintenance might be reduced 50 per cent. Helby, Vol. I., 5236. 5200, 5286. Annual Report of the Metropolitan Asylums Board, for the year 1905, p. 117.

260. The superintendent of such a colony, Mr. Helby said, should be a non-medical man with a medical assistant, as so much of the work was administrative. But another and well-informed opinion was that the medical man should be supreme and that there should be a steward who should consult the medical man on all details connected with the food supply and matters of that kind. Helby, Vol I., 5316. Beresford, 5457.

261. From this evidence we may conclude, in regard to the residential homes, that in most instances early treatment—treatment before school age, and often from the age of three—is necessary to produce satisfactory results in the case of mentally defective children; and that such early education in habits might be to some extent preventive; that the response of those children to manual and industrial work is frequently very quick and effective. and that by training they may, as they grow older, meet an appreciable part of the cost of their maintenance; that work may be done by the inmates of one home or colony for other homes or colonies by a division of labour and by attaching the institution for the mentally defective to one department supervised by one authority; that the colony system is likely to produce the best moral and economic results; and that the cost of initiating it may be greatly reduced if it is adopted gradually, General conclusions as to residential homes.

Sherlock, Vol. I., p. 514, c. 1. *See* Pars. 702-705 below.

the inmates themselves being employed in building, equipping, and creating the colony. It does not seem to us necessary that such a colony should be quite close to London. It should not be impossible to bring the cost of establishing down to £100 a bed, and the maintenance below the 10s. 6·8d. which the inmates of Darenth (including the unimprovable cases) now cost.

The question remains of the comparative value of the residential home, but of this we shall judge better when we have reviewed the position of London in regard to the provision made by the Education Committee for the mentally defective.

CHAPTER XI.

The Education Committee of the London County Council and the Mentally Defective.

Procedure in examination of children and classification. Kerr, Vol. I. p. 434.

262. The procedure of the medical officer attached to the Education Committee of the London County Council in detecting the children suitable for the special schools may be said to begin with the notification of cases to the officer by head teachers, divisional superintendents, charitable bodies, managers, and others.

A family history in regard to each child is filled up, and a "nomination" for him allocated to the centre nearest the child's home. When a sufficient number of "nominations" have been sent in a medical examination is held. Ten of these examinations are held weekly, and twenty children are asked to attend each examination. The medical officer's decision on the future education of each child is entered on a card. The cards are forwarded to the education officer, and the decisions entered in a register. From this register the classified returns of blind and deaf children, defective children, etc., are made up.

The classification of mentally defective children in the London schools.

263. The Elementary Education (Defective and Epileptic Children) Act of 1899 empowers a school authority to provide for the education in special classes of children who, *not being* imbecile, and not merely dull or backward, are incapable of receiving proper benefit in the ordinary public elementary schools. This definition implies a classification into three divisions at least: (1) Those who are imbecile, and unsuitable therefore for even "special education"; (2) dull or backward, yet not requiring "special" education on that account, but presumably suitable for the ordinary school; and (3) "special class children."

Kerr, Vol. I., p. 434, c. 1.

264. Dr. Kerr, Medical Officer (Education), of the London County Council, classifies the children into four groups:—

(1) "Merely dull or backward," as in the Act. These he classifies as having "spurious mental defect."—"a large class of cases in which it is doubtful whether they should be sent to an ordinary school or to a special class." These are cases of children in whom there is a want of spontaneity, due to environment, want of natural education, exhaustion from want of proper rest and sleep, and debility for want of proper nourishment. In these cases there is little abnormal to note. He concludes that some intermediate school is required for this group. Accordingly at the outset we find a want that is not met, but the recognition of which is the outcome of the Elementary Education (Defective and Epileptic Children) Act, 1899.

(2) His next class is "true mental defect." These cases are those which are suitable for a special class. Here are two divisions: (*a*) In one the characteristic is not a want of spontaneity, but a general want of development of the higher brain functions. In the other (*b*) "feeble-mindedness" appears "chiefly in relation to special faculties with comparatively normal development in other ways." "Socially this class embraces the criminal and moral defective in other ways, and also may include children who have hitherto been in some cases treated as imbecile."

(3) and (4) The third and fourth classes are at the lower end of the scale: they are divisions of the group of children excluded from 'special' teaching under the Act—the "imbecile" children. The children in the third class are so very defective that it is doubtful if they are good enough for the special classes. They

are sent to the special classes on probation. If they are proved unsuitable for these classes on probation, they fall into the fourth class—imbecile—and are refused. The classification of mentally defective children in London Schools—*contd.*

The corollaries of this classification are several:—

I. There should be a division of the mental defectives Class (2), into special classes, according as the children suffer, as stated above,

(*a*) from general want of development of the higher brain functions; or (*b*) from abnormal development of special faculties with comparatively normal development in other ways. In 1905 there were three * special schools for elder boys, and two residential schools, one for defective deaf mutes and one for defective blind children; and there was also a residential school for elder morally defective girls.† But there appears to be no general classification of special education on the lines here noted; and yet the difference between these two groups (*a*) and (*b*) is distinctive and vital from the point of view of education and development.

II. The next corollary is the necessity of establishing a reception or classification home, which, in competent medical hands, would serve as a centre for observation; and Cf. Recommendation LXXXII., *below.*

III. The third is the adoption of a sufficient system of dealing with the "imbecile" children, the final residue of the unfit. To the need of this we have already drawn attention.

265. There was in London on December 23rd, 1904, accommodation for 4,446 children in special schools for the mentally defective, and 4,191 of these children were on the roll ‡. It was proposed to increase the accommodation so that it might serve for 5,346 children. This represents a considerable increase, but it is clear that a further question will have to be met, as Dr. Kerr's classifications also suggest. Special schools do not meet the need of many children. Even at the age of twelve, residential homes are required for many. "After the age of twelve a considerable number of children would be better if under complete control in small residential homes;" and Dr. Kerr adds, "by this age it is also possible to assess the child's future capacity in providing for itself." At the age of twelve, out of 455 mentally defective children examined, 126, or 27 per cent., were found to be "only fit for custodial treatment in the future." And the tendency of the education committee is, it would seem, to come to this conclusion in regard to an even larger proportion of cases. Accommodation in London for mentally defective children. Lawrence, Vol. I., p. 426. Kerr, Vol. I. p. 435, c. 1

266. The school board proposed six custodial (or residential) homes for: (*a*) mentally defective children who, but for their defect would be committed to industrial and truant schools; (*b*) mentally defective children living in very bad homes; (*c*) mentally defective children whose regular attendance it is not possible to secure at day schools; (*d*) mentally defective children living so far from any special school that it would be impossible for them to attend; (*e*) certain defective children known as moral defectives; and (*f*) elder children. The Education Committee has now, as stated above, two homes for cases of double defectiveness—the conjunction of blindness or deaf mutism with mental defect—and one for morally defective girls. And the residential home is now being used for at least two of the classes suggested by the school board "for cases of children very difficult to train in the ordinary special school; that is to say, who upset the class and cause a good deal of waste of time and education to the other children," and for "children who have particularly bad homes." "These children," it is added, "are very amenable so long as we have them in the school, but they would at once relapse into unfortunate habits even in the matter of going to and fro to their homes." "They go to a neighbouring school under the guidance of a matron who takes them there and back in the morning and evening." Residential homes of the Education Committee. Kerr, Vol. I., p. 435, c. 2, and p. 437, c. 1. Lawrence, Vol. I., 7655 and 7657.

267. This statement indicates, we think, the general movement of thought in the matter. In many instances the special class or school does not furnish all the conditions for the formation of habits and conduct, which in many instances are the supreme necessity Hence a more complete method has to be tried. For those who suffer only from "mere dulness" the intermediate class may suffice Special schools and classes do not meet the needs of many of the mentally defective children.

* There are now 9. (Information supplied by London County Council.)

† This Home was closed in 1906. (Information supplied by London County Council.)

‡ From the List of Certified Schools on August 1st, 1907, published by the Board of Education, it would appear that, at that time, accommodation had been provided in London for 4,946 mentally defective children.

Special schools and classes do not meet the needs of many of the mentally defective children. —*contd.*

and also for those who suffer from "general want of development of the higher brain functions;" but it will not meet the needs of those whose feeble-mindedness is found "chiefly in relation to special faculties with comparatively normal development in other ways." Hence with further differentiation it is likely that more special homes will be proposed and established, or different and more various methods of supervision introduced. Thus now some witnesses urge that the age of education should be raised from sixteen to twenty-one in the special schools, as, under an order of the Local Government Board, it has already been raised in the schools and industrial colony of the Asylums Board, and such a proposal would entail yet further "special" and probably residential accommodation.

Fleming, Vol. I., 2264. Tredgold, Vol. I., p. 400 c. 1. Lawrence, Vol. I., p. 422, c. 2. Kerr, Vol. I., p. 436, c. 2.

268. It will thus be seen that in London the special school or class stands for less than it did. Under the Act of 1899 the three courses are suggested—special classes; boarding homes near special classes or schools: and "day or boarding special schools"; and experience is attaching more and more importance to the last proposal, especially if the scheme of instruction is modified as suggested. The evidence of the Metropolitan Asylums Board is to the effect that it is doubtful whether the children whom they maintain in rather expensive small homes near the special schools of the education committee would not be better educated if they were in boarding homes in an industrial colony; and it strongly supports the view that early training before seven years of age, and before the children would come under the education committee, is desirable, often, indeed, quite essential, if there is to be any real amelioration. If this be the case, instead of the children at the special schools being retained under the control of the education committee till sixteen, and at that age, as many witnesses propose, handed over to another authority, it is evident that many must be placed in custodial homes or colonies long before that age—at eleven or twelve or earlier. In these circumstances, if there be a transfer of the children from the education committee to some other authority, it would probably be made at any age that might be desirable in the individual instance, as the occasion arose. At present some hold that "a great deal of the education between fourteen and sixteen is practically waste—the child cannot learn." It follows that with these changes the whole importance of the line of demarcation at sixteen disappears. Instead of discharge and transference at sixteen or twenty-one, all practically are agreed that in many of these cases there should be detention or continuing control on a renewable certificate. It may thus be said that the whole aspect of the question has altered since the Act of 1899, in London at least, where the system of special schools has been established on a larger scale than anywhere else in the country.

Elementary Education (Defective and Epileptic Children) Act, 1899, 62 & 63 Vict., c. 32, Sec. 2. Helby, Vol. I., 5143, p. 296, c. 1. Kerr, Vol. I., p. 435, c. 1, 7924, 7993, 7998, 8000. Dendy, Vol. I., 853. Berry, Vol. I., p. 543, c. 2.

269. It follows, further, that the method of transferring mentally defective children to special homes or colonies should be as simple as possible; and we think that if, in accordance with the conclusion which we adopted in regard to the counties, the Asylums Committee of the London County Council were specially organised and reinforced as the local authority to carry on this extended work, there would be such a coalition of interests as between that committee and the education committee that all difficulty in the transfer of children would disappear. This would no doubt entail the non-pauperisation of the parents of mentally defective children who require special education, but that, too, we recommend. Probably, in the future, more reliance will be placed upon the education of these children at an early age, and often continuously, in colonies like that at Darenth and Sandlebridge, than in scattered residential homes. On this plan, however, at whatever age a child was ascertained to be unsuitable for the special school of the education committee he would pass to the residential school or colony maintained, or contributed to, by the county asylums committee. The local authority for the care of the mentally defective would, as we have said before, be made responsible for the care and supervision of all such cases, and it would be enabled to arrange for their maintenance, education, training, and control, directly by, or on contract with, any authority, body, or person that, subject to approval, they may think fit. In this way, the local authority would be able to contract with the local education authority in regard to the children that should attend special schools or classes under their care. Thus, in a manner, both authorities would deal with education, for in the case

Recommendation XCII.

Recommendation XLII. Recommendations LXXIX–LXXXII.

of the feeble-minded education lasts far into life, and, indeed, passes unconsciously into prolonged supervision. Special schools and classes for the mentally defective might thus, under contract, remain in the hands of the education committee where the special class system has been developed, whilst institutional training and supervision would be undertaken by the asylums committee. This, on the basis of there being one central authority in charge of all cases of mentally defective persons, appears to us to be the best administrative division.

Special schools and classes do not meet the needs of many of the mentally defective children—*contd.*

270. But one question remains. If this division of administrative control is to be effected, divergency in decisions as to admission or non-admission to homes or colonies must be avoided.

There must be consultation in common amongst the authorities concerned The central point for this purpose might be the register. The certification of the mentally afflicted connects itself with the family history and the register of the education authority; and the information there entered, augmented from time to time, would be the basis of all future certification, and would be available for many miscellaneous purposes, as, for instance, as part of the prisoner's record, if, as a juvenile offender or later, a mentally defective person were arrested, and brought before the courts, or for the transfer of a person from one institution to another, as, for instance, from a residential home to a colony, or from a colony to an asylum.

Prevention of divergency in decision as to mental defect.

271. Of the extent to which provision would have to be made in London the results of the special classes may give some indication. It is said that at present about a third of the children on leaving school are able to maintain themselves materially or partially; and tables have been prepared to show what the numbers are. These tables considered together, suggest what the claims of the future may be. "Dr. Collie has based his Report chiefly on what the children will do on leaving school"; Dr. Berry has adopted a "very strict interpretation, and explains that many of her second class" will contribute partially to their support and might be custodial cases; Dr. Thomas has selected the children in view of their whole social prospects; and Mrs. Burgwin with reference to "heredity and home conditions."

Provsion required for mentally defective children. Dr. Collie, Dr. Berry, Dr. Thomas and Mrs. Burgwin in Dr. Kerr's evidence, Vol. I., p. 441

		Boys.			Girls.			Remarks.
		Able to earn their own living. A.	Contribute materially to support. Require after treatment. B.	Will not contribute materially. Custodial treatment. C.	Able to earn their own living. A.	Contribute materially to support. Require after treatment. B.	Will not contribute materially. Custodial treatment. C.	
Dr. Collie: Bath Street and five other schools.								
410 Children { Boys 221 }	Over 12	42	6	18	46	9	7	62 per cent. of the Boys.
{ Girls 189 }	Under 12	97	22	36	81	19	27	67 per cent. of the Girls likely to be self-supporting.
Dr. Thomas: Boundary Lane and eight other schools.								
357 Children { Boys 223 }	Over 12	32	36	36	18	19	20	32 per cent. of the Boys.
{ Girls 134 }	Under 12	41	44	34	21	26	30	29 per cent. of the Girls likely to be self-supporting.

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Provision required for mentally defective children—*contd.* Kerr, Vol. I., p. 441.

	Boys.			Girls.			
	Will contribute materially to livelihood.	Will contribute partially.	Custodial treatment.	Will contribute materially to livelihood.	Will contribute partially.	Custodial treatment.	Remarks.
Dr. Berry: Capland Street and six other schools.							
*95 Children { Boys 67† / Girls 28 } Over 12	34	26	7	11	12	5	39 per cent. of the Boys will contribute materially to livelihood, and 60 per cent. of the Girls.

* This group includes many who would be suitable for custodial homes, but who still with assistance outside could do something towards earning a living.

† Most of the boys will get work, but it is doubtful if they will rise beyond the position of errand boys, hawkers, and labourers.

Kerr, Vol. I., p. 441.

	Boys.			Girls.			
	Able to earn their own living. A.	Contribute materially, require after-treatment. B.	Will not contribute materially, Custodial treatment. C.	Able to earn their own living. A.	Contribute materially, require after-treatment. B.	Will not contribute materially, Custodial treatment. C.	Remarks.
Mrs. Burgwin: Abbey Street, Bethnal Green, and St. John's Road, Hoxton.							
122 Children { Boys 69 } Over 12	9	10	7	3	4	13	33 per cent. of the Boys and 23 per cent. of the Girls would be able to earn their own living.
{ Girls 53 } Under 12	14	19	10	9	11	13	

272. The different results of the examination of the children in these groups of schools are remarkable. Dr. Collie reports 62 per cent. of the boys and 67 per cent. of the girls in the Bath Street Schools to be likely to be self-supporting—taking, as we understand it, the test of what the children will be able to do when they leave school, that is, at the age when the demand for the cheap labour of children is greatest. Later on, as several witnesses have said, they might be able to earn little or nothing. This percentage of estimated success is indeed very high, if tested by other records such as those of Mrs. Owen Fleming, the manager of a "Special School," in Southwark, which cover a long period of observation. Dr. Thomas has made his examination in view of the whole social prospects of the child, and he returns only 32 per cent. of the boys and 29 per cent. of the girls as likely to be self-supporting, showing, as we understand him, that this much smaller number of mentally defective children is likely to be self-supporting continuously. Dr. Berry's return is stated to be drawn on a very strict interpretation of the facts; and it is noticeable that she concludes that a much smaller number of the boys than of the girls will contribute to their own maintenance. Mrs. Burgwin, judging from "heredity and home conditions," practically comes to the same conclusion as Dr. Berry in regard to the boys, but grades the girls who would be able to earn their living at 23 per cent., rather less than Dr. Thomas's figures. Taken together, these statements suggest that on a careful and continuous scrutiny of cases only a very small proportion of feeble-minded children, probably less than one-third, will be able to support themselves materially or partially.

273. In view of such figures as these, provision and supervision for this class in their after-school life is of overwhelming importance. It affects especially the large section of those who are not able to support themselves in life, the 60 or 70 per cent., and who will either require custodial treatment, or, being able to contribute only partially to their own support, will often require "after treatment." And another question arises which further affects the utility of the special schools as means of enabling the children to support themselves, as far as their abilities will enable them to do so. From the tables of the ages of children in special schools it appears that the attendance of boys at special schools falls off steadily after the ninth and tenth year. In that year it reaches its maximum —345. At twelve (twelve to thirteen) only 236 of that age are attending. In the girls' department there is also a decrease—a rapid fall from 244 to 192 between the years ten to eleven and the years eleven to twelve; and at twelve (twelve to thirteen) only 189 of that age are attending. Accordingly it seems that before twelve there is a considerable withdrawal of mentally defective children—boys and girls, who cannot nearly all of them have been moved up into the ordinary schools, and so must slip out of sight. For the rest, the following table states the position:

Provision required for mentally defective children—*contd.*

Lawrence, Vol. I., p. 429.

MENTALLY DEFECTIVE CHILDREN.

	Over 12.	Under 12.		Over 12.	Under 12.
Boys in school - 2,057	572	1,485	Girls in school - 1,501	472	1,029
Boys examined - -	135	307	Girls examined - - -	119	237
Requiring custodial treatment.	61	80	Requiring custodial treatment.	40	70
Proportional number of boys requiring custodial treatment among mentally deficient boys at schools. (Special).	258	386	Proportional number of girls requiring custodial treatment among the mentally deficient girls at schools. (Special).	158	303

274. If then, those inquiries which have been made by specially skilled persons be considered approximately correct, it would seem that custodial provision would have to be made for 644 boys and 461 girls; and in view of the fact that there is a large declension in the number of boys and girls attending school in the last three or four years of the school life, it would seem noteworthy that so much larger a provision should have to be made for children under twelve than for children over twelve, a fact that appears to confirm the opinion that the transition step from the class or probationary system to the institutional is reached in most cases much before sixteen, the age at which feeble-minded children have now to leave the special classes.

275. On the assessable value of London the expense of making provision for such cases as need institutional treatment, and the further similar expense of providing for other classes of mentally defective is a comparatively small charge, while the unification of authorities and the simplification of organisation and procedure should lead to considerable savings in some directions. Thus, for instance, a single contracting body, working on the lines of the Metropolitan Asylums Board, might make contracts for the supply of provisions on such a basis that with the full and useful employment of all inmates and a simple diet the cost per head for maintenance might be reduced to five or six shillings a week, at least for large institutions, houses and colonies of the type we are now considering.

Legge, Vol. I., 1253.

Lewis, Vol. II., 11280.

CHAPTER XII.

CONCLUSIONS AND RECOMMENDATIONS.

276. We find no points of difference in regard to London which would lead us to recommend for it a scheme different from that which we have recommended for England generally. There, as elsewhere, the care of the mentally defective should, we think, be brought under one local authority. On this point our

Sherlock, Vol. I., 8951.
Beresford, Vol. I., 5480.

Allen, Vol. I., p. 413, col. 2, 7591–7593, 7605. Mott, Vol. I., p. 455, col. 2. Bond, Vol. I., p. 469, col. 2. Burgwin, Vol. I., p. 484, col. 1 & col. 2. McDougall, Vol. II., p. 373, col. 2 and 17571. Downes, Vol. I., 1899. Kerr, Vol. I., p. 439, col. 2.

evidence has been unanimous. Apart from the Education Committee, there are at present in London two local authorities dealing with mentally defectives, viz., the London County Council and the Metropolitan Asylums Board, the latter a Poor Law body. We have given, in Chapter VI. above, our reasons for concluding in general that a Poor Law authority cannot suitably undertake the care of the mentally defective, and, for these reasons, we are unable to recommend that the Metropolitan Asylums Board should be the local authority in London to deal with them. We recommend, therefore, that in London, as elsewhere, the care and control of all mentally defective persons should become part of the duties of the County Council acting through a Statutory Committee for the care and control of mentally defective persons. This committee would take the place of the Asylums Committee of the Council. The existing asylums of the Council and the institutions of the Metropolitan Asylums Board which have been established for the care of any class of mentally defective persons, would be under the control of this committee, which would also have the oversight of their education and of all public and voluntary provision made on their behalf. There would be a central system of certification with which the managers of the different institutions would be associated, so that children suitable for admission to an institution or to a special school would be admitted to one or the other directly by the decision of the same committee, without being subject to the decision of the officers of other intervening authorities, such as the Poor Law guardians or the Education Committee. The committee for the mentally defective, subject to report to the Board of Control and approval by them, would be able to provide for its wards by contracting on their behalf that they should be placed and maintained under such conditions as they may think desirable, in Poor Law, voluntary and other institutions, or they may furnish the necessary accommodation themselves. With the Education Committee they might arrange, as seemed best, to take over or hire the special schools from them, or to contract with them for the education of mentally defective children at a fixed rate. As elsewhere, there would be a medical officer appointed by the committee for the care and control of mentally defective persons, and he or a certifying medical practitioner, on the lines of Recommendation XXXVI. would ensure unity of method in certification, as far as possible. For the transfer of cases from one institution to another there would be a simple method of certification. (*See* Recommendation LX.) For London, therefore, no special recommendations are necessary, except one only, which is required in order to arrange the transfer of the institutions of the Metropolitan Asylums Board to the County Council. This recommendation is as follows:—

Recommendation XLII.

Recommendations LXXIX–LXXXII.

Recommendation XXXV.

Recommendation XCVI.

"That, notwithstanding any existing Statutes, the general Act for the care and control of the mentally defective should provide that in the case of the administrative County of London:—

(*a*) The institutions of the Metropolitan Asylums Board for mentally defective persons should be transferred (on such terms, and subject to such arrangements as may be provided in the Act) to the London County Council for the use of its Statutory Committee for the care of the mentally defective, on whom the duty to make suitable and sufficient provision for the care and control of the mentally defective in the administrative County of London, will, by the said Act, devolve.

And that (*b*) all grants now payable to the Metropolitan Asylums Board and to Boards of Guardians from the Metropolitan Common Poor Fund and from the Exchequer for the maintenance of lunatics or imbeciles, and any sums in future payable from the Exchequer on account of mentally defective persons, or epileptics not mentally defective, should, after the passing of the proposed Act, be payable to the London County Council for the use of the Statutory Committee for the care of the mentally defective (*see* Recommendations XXVIII.–XXXIV. and XC. below)."

PART III.

THE EDUCATION AUTHORITIES AND MENTALLY DEFECTIVE CHILDREN.

CHAPTER XIII.

The Law Relating to the Education of Mentally Defective Children and the Movement in Favour of it.

277. The compulsory Elementary Education Acts imposed on all children the obligation to attend school, and presently revealed the fact that there were a large number who, on account of mental or physical defect, could not be suitably educated in the large classes of public elementary schools. The children who suffered from obvious physical defects were the first to whom public attention was drawn, and a Royal Commission, which reported in 1889 on the Blind, the Deaf and the Dumb, was appointed to consider what steps should be taken for their care and education. Pooley, Vol. I., 204, 217 and 234.

This Report resulted in the passing of the Elementary Education (Blind and Deaf Children) Act of 1893, which made it a legal obligation on the part of the parent to cause his child to "receive instruction suitable to it," and it was made the duty of every school authority to provide suitable education (including industrial training) for blind and deaf children. The provisions of this Act have been satisfactorily carried out, and it is probable that few blind or deaf children are now left without suitable education. Pooley, Vol. I., 205.

278. The Report of the Royal Commission on the Blind, the Deaf and the Dumb contained the following recommendation :— Report of the Royal Commission on the Blind, Deaf and Dumb, 1889, par. 724, p. cvi.

> "That with regard to feeble-minded children, they should be separated from ordinary scholars in public elementary schools, in order that they may receive special instruction, and that the attention of school authorities be particularly directed towards this object."

Acting on this suggestion, the school authorities in London and seven provincial towns organised special classes for feeble-minded children. These were found to be a heavy charge on local expenditure, as they received no special Government grant, and representations were made by the London School Board and other school authorities in favour of special legislation for feeble-minded and epileptic children.

279. A Departmental Committee on Defective and Epileptic Children was appointed in 1896, and the terms of their reference were :— Report of Departmental Committee on Defective and Epileptic Children, 1898. (p. 1, par. 1.)

> "To enquire into the existing systems for the education of feeble-minded and defective children not under the charge of guardians, and not idiots or imbeciles, and to advise as to any changes, either with or without legislation, that may be desirable:
>
> "To report particularly upon the best practical means for discriminating on the one hand between the educable and non-educable classes of feeble-minded and defective children, and on the other hand between those children who may properly be taught in ordinary elementary schools by ordinary methods and those who should be taught in special schools:
>
> "To enquire and report as to the provision of suitable elementary education for epileptic children, and to advise as to any changes that may be desirable."

280. To show the kind of children who were thought by this Committee to form the object of their enquiry, the following passages may be quoted :— Type of Children under Consideration. Report of Departmental Committee (p. 3, par. 13.)

> "*Existence of feeble-minded children not imbeciles.*—That children exist who, on the one hand, are too feeble-minded to be properly taught in ordinary elementary schools by ordinary methods, and, on the other hand, are not so feeble-minded as to be imbecile or idiotic is assumed in the terms of reference to us. With this assumption we are in entire agreement. From the normal child down to the lowest idiot there are all degrees of deficiency of mental power; and it is only a difference of degree which distinguishes the feeble-minded children, referred to in our enquiry, on the one side from the backward children who are found in every ordinary school and, on the other side, from the children who are too deficient to receive proper benefit from any teaching which the school authorities can give. . . . Thus the feeble-minded children referred to in our enquiry exist as a distinct class from imbeciles; they are not, in fact, certified as imbeciles, they are not provided for as imbeciles; they are not classified as imbeciles by most scientific authorities; and they differ, both from ordinary children and from imbeciles, in the treatment which they require during their school life." Report of Departmental Committee. (par. 12, pp. 3 & 4.)

With regard to *epileptic children*, the Departmental Committee say :—

> "'Epileptic children,' as used in the terms of reference, we have understood as covering children of all degrees of mental power and all degrees of epilepsy." (par. 12, p. 3.)

Type of Children under Consideration.

Report of Departmental Committee on Defective and Epileptic Children, 1898—*contd.*

281. The Departmental Committee give it as their opinion that :— (Report of Departmental Committee on Defective and Epileptic Children, 1898 (p. 5, par. 15.) (p. 30, par. 80.)

> "Approximately 1 per cent. of the children of the public elementary school class appear to be feeble-minded. An exact estimate will only be possible when more complete measures shall have been taken for discriminating and dealing with them."

They further state :—

> "The number of epileptic children appears to be currently estimated at 1 per 1,000, excluding epileptic lunatics, but otherwise including all cases, mild or severe. . . . Of those afflicted with epilepsy one-sixth are estimated to be severely afflicted."

(p. 9, par. 22.) 282. Their principal recommendations were that every child who by reason of physical or mental defect is not attending school should be examined by a medical officer appointed by the school authority. He should sign a certificate, stating whether the child is capable or incapable of receiving proper benefit from instruction (i) in ordinary schools, or (ii) in special classes for feeble-minded (Par. 22 and 23.) children. They further suggested that, if the medical officer should be of opinion that the child is imbecile, he should sign a certificate to that effect, and that the child should be excluded from school on that certificate. They suggested that this certificate might be used for the purpose of admitting children to Darenth or to certified institutions for imbeciles, as there was a difficulty in obtaining admission to Darenth by means of a certificate of the medical officer of the guardians. They said :—

(Par. 23, p. 10.)

> "It is desirable that the authorities dealing with imbeciles should take the same view of imbecility as the school authority, and that no children should be left to whom both authorities refuse provision . . . ."

With regard to the establishment of special classes the Departmental Committee said :—

(p. 22, par. 57.)

> "We consider that the Department should be empowered to require the provision of special classes in all districts where they think special provision necessary; and that for towns of a population of 20,000, special classes will almost certainly be required, and that enquiry should at once be made in all towns with a population of 10,000 or over with the view of ascertaining whether a special class is necessary . . . ."

And they also recommended that the Education Department should require the school authority to provide for defective children and that :—

(p. 22, par. 59.)

> "For the purpose of providing for defective children school authorities should have power to combine and to contribute and that the Education Department should have power to compel contribution in respect both of provision and maintenance of school accommodation."

They pointed out that the Department had this power with regard to blind and deaf children and they recommended that :—

(p. 23, par. 59.)

> "These powers should also be conferred on the Department in regard to the provision for the education of defective children."

(p. 15, par. 36.) Further they recommended that where a special class was within reach of a child's home, it should be obligatory on the parent to cause his child to attend such a class.

(p. 36, par. 104,(4).) 283. Three methods of providing education for defective and epileptic children were suggested :—

(i.) Special day classes (for town populations).

(ii.) Boarding-out, subject to the Regulations of the Education Department, in a home conveniently near to the special class (for country cases).

(p. 36, par. 104, (10).) (iii.) Homes for defective or epileptic children certified by the Education Department.

The Departmental Committee did not suggest the compulsory removal of defective children from their homes to be boarded out or placed in Homes for defective children, but they did suggest that a magistrate's order should be obtained in the case of an epileptic child, requiring the child to be sent to a certified Epileptic Home.

284. Their principal recommendations with regard to epileptics were :

(pp. 30 and 31, par. 82.) That children of normal intellect with slight epilepsy should be left in the ordinary elementary schools.

(p. 31, par. 84.) That feeble-minded children with slight epilepsy should be sent to special classes for the feeble-minded.

(p. 32, par. 87.) That children with severe epilepsy, but not insane (estimated at one-sixth of the total number of epileptic children), should be provided for in certified Homes for epileptic children under the Education Department. With regard to

(p. 34, par. 94 and 95.) the provision of such Homes and the maintenance of children therein and the

obligation of parents to cause their children to attend, the Departmental Committee recommended that the powers given in the Blind and Deaf Children Act should apply to epileptic children. (p. 36, pars. 164) (11) (12) (14) (15) (17).)

285. The principal suggestions made by the Departmental Committee were embodied in the Elementary Education (Defective and Epileptic Children) Act of 1899, but the Act was permissive in character. Education authorities were empowered, but not required, to make provision for defectives. No action was taken on the suggestion that the certificate excluding a child from a special class on account of imbecility should admit such child to an institution for imbecile children. The same difficulties still exist in getting such children certified and provided for by the guardians.

Ashby, Vol. I., 10196, 10089, Pinsent, Vol. II., 19148. (p. 460, col 2 and p. 461, cols. 1 and 2).

Elementary Education (Defective and Epileptic Children) Act, 1899, 62 & 63 Vic. cap. 32, Sec. 1 (1). Pooley, Vol. I., 224 Dendy, Vol. I., 825, 902, 903, 904. Kerr, Vol. I., 8007.

286. By this Act defective children are defined as children who, "not being imbecile and not merely dull and backward, are by reason of mental or physical defect incapable of receiving proper benefit from the instruction in the ordinary public elementary schools, but are not incapable, by reason of such defect, of receiving benefit from instruction in such special classes or schools as are in this Act mentioned." Epileptic children are defined as those who, "not being idiots or imbeciles, are unfit by reason of severe epilepsy to attend the ordinary public elementary schools."

Elementary Education (Defective and Epileptic Children) Act, 1899, Sec. 1 (1.) (*a*) and (*b*).

School authorities may, with the approval of the Board of Education, make such arrangements as they think fit for ascertaining the number of defective and epileptic children in their district. But they are not obliged to do this. If they do, however, they must provide facilities for enabling parents to send to them for examination such of their children as they think should be dealt with under the Act: and they can compel parents to do so subject to a £5 fine in default.

Sec. 1 (2) and (4).

287. When a school authority has ascertained the existence of defective children, it is under no obligation to deal with them specially, but it may do so—

(i.) By establishing special classes for them in some of its schools.
(ii.) By boarding them out in houses near to special classes or schools.
(iii.) By establishing either day or boarding special schools for them.

Sec. 2.

When a school authority has ascertained the existence of epileptic children, it may, but it is not obliged to, establish special schools for them. The omission of power to board-out or to establish classes for epileptics should be noted. For epileptics, the Board of Education certify boarding schools only. Full power is given, not only to establish, but to acquire, maintain or contribute to special schools or classes; and guides and conveyances may be provided for children who require them.

Secs. 3 and 4.

288. No fees can be charged for the instruction given in special schools, but parents may be compelled to pay what they can towards the cost of guides and conveyances, and all other expenses of the child incurred by the education authority. Parents are bound to send their defective and epileptic children between seven and sixteen to special schools and classes to the same extent as they are bound to send their normal children to ordinary schools. The maximum Government grant is £5 *per capita*, but the average obtained is about £4 3s. With regard to epileptic children, parents may be compelled by a justice's order to send them to a special school, no matter at what distance.

Obligations of Parents.

Sec. 8.
Sec. 4.
Sec. 11.
Sec. 4.

289. Schools cannot be certified for defective and epileptic children—

(i.) If conducted for private profit.
(ii.) Unless managed by a school authority.
(iii.) Or by managers whose maintenance accounts are published and audited in compliance with Regulations of the Board of Education.
(iv.) Unless open to the inpectors of the Board and of school authorities sending children to it.

Elementary Education (Blind and Deaf Children Act, 1893. Sec. 7.

Elementary Education (Defective and Epileptic Children) Act, 1899. Sec. 9, sec 10.

Education authorities are not bound to receive in their special schools or classes workhouse or boarded-out children, but guardians of the poor may contribute to the provision and maintenance of schools and classes in which their children are received.

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Elementary Education (Defective and Epileptic Children) Amendment Act. 1903, 3 Edw. vii., cap. 13. Pooley, Vol. I., 223.

290. The Elementary Education (Defective and Epileptic Children) Amendment Act modified the regulations under the Act of 1899 with regard to boarding schools for defective and epileptic children. It is now possible to have more than fifteen children in one building, and more than four such buildings in one establishment.

Number of Education Authorities who have adopted the Act.

Pooley, Vol. I., 243.

291. From the passing of the Act of 1899 until the Education Act of 1902, the Education Authorities of thirty-one County Boroughs (including London),—out of sixty-nine, eight non-county Boroughs, four Urban Districts and four small School Boards or District Councils, subsequently merged in the areas of nine County Councils, adopted the Act. Up to the 30th September, 1906, the Elementary Education (Defective and Epileptic Children) Act had been adopted by eighty-seven Local Education Authorities. "The county authorities are waiting, seeing how things develop, and attending in the first instance to the ordinary children."

Distribution of Schools.

Appendix Vol. V., p. 188–193.

292. A statement respecting the position of the Special Council Schools by counties will indicate better than a numerical summary what is their real extent and distribution.* In the North of England there are thirty-one; in Lancashire, fifteen; in Derbyshire, one; in Cheshire, one; in the County of Durham, two; in Northumberland, one; in Yorkshire, twelve Special Council Schools, four being in Bradford, four in Leeds, three in Sheffield, and one in Halifax. Of the Lancashire schools five are in Liverpool, three in Manchester, two in Bolton, and two in Burnley; and in Blackburn and Oldham, one each.

The schools are all in urban centres, and, it will be seen, not distributed throughout the middle sized towns or the country, but chiefly clustered in a few very large towns.

In the south the chief centre is London, where there are seventy-nine Special Council Schools, with one at Wimbledon and two at Willesden; in Essex, four; in Kent, two; in Sussex (Brighton), one; in Berkshire, one; and one in Oxford.

In the more Midland counties, there are thirteen; in Staffordshire (Wolverhampton), one; in Warwick (Birmingham), seven; in Nottingham, three; in Leicester, one; and Northampton, one.

In the south-west, there are four schools; two in Bristol, and two in Devonshire—at Devonport and at Plymouth.

Appendix Vol. V., p. 193.

In Wales, there are two schools, one at Cardiff and one at Barry. Besides these Special Council Schools there are some voluntary home schools, such as that at Sandlebridge, and Sandwell Hall, West Bromwich, which has been recently opened, and others.

293. These figures show that the Special Council Schools have been established wholly in urban centres and usually where there is a large industrial population, and a high assessable value. They show, also, that taking England and Wales as a whole, the schools are few in number and very unevenly distributed.

294. Having stated the terms of the Elementary Education (Defective and Epileptic Children) Act and drawn attention to the present distribution of the special schools or classes for defective children, we would deal with the number of these children as indicated by the evidence we have received and by the returns made by our medical inspectors; and we would then pass to such questions as the notification and registration of children and the use of the special class as a centre for selection and discrimination. Subsequently, we would compare the general results obtained in special schools in several of the cities and towns where they have been established, the methods of education to be adopted, the training and selection of teachers, the relations to be formed with the parents, and the arrangements to be made for the after-care and supervision of children when they leave school.

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* From the list of Certified Schools on August 1st, 1907, published by the Board of Education, it would appear that at that time, accommodation had been provided for 9,082 children, but that of this accommodation no less than 4,946 was in London. [Cd. 3970.]

The Reports of the Medical Investigators in regard to Mentally Defective Children.

The Reports of the Medical Investigators in regard to mentally defective children.

295. The reports of the medical investigators throw light on the state of things in towns and rural districts where there is no educational or other organisation for the care of mentally defective children. In those places, whether these children are few or many, they cannot be dealt with to good effect. There is usually no medical officer in charge of the health of the school children; and concerted action for their benefit in the local area or in the county, the first preliminary to reform, is wanting.* The following table shows the proportion of mentally defective children to the total registered school population:—

Urban Districts.	
Stoke-on-Trent	·60
Birmingham	1·12
Manchester, Chorlton and Prestwich	1·24
Hull and Sculcoates	·40
Mining District.	
Unions in:—	
Durham County	·28
Rural Areas.	
Somerset	·58
Wiltshire	·47
Nottinghamshire (partly rural)	·60
Lincolnshire	1·10

Vol. VI., p. 59, col. 19.

296. The northerly districts of the Durham Counties and Hull stand best. The large urban areas come last. Stoke-on-Trent stands with the county areas, for there, in spite of many drawbacks, the medical investigator reports well of the school population. The Lincoln unions, though rural, stand with the large urban districts, and have a percentage of 1·10 of mentally defective children.

297. A few notes will show how great the want is where there are not even special classes for "defective" children as defined by the Act of 1899.

The Manchester area is only partially provided for with special schools. Dr. Melland's survey of the schools shows that besides 1,328 defective children, of whom only 273 were in special schools, there were:— Manchester: Vol. VI., p. 147.

"Sixty-five imbeciles, almost half of whom (thirty-two) were children who had either never attended school or who, having proved unteachable in the ordinary school, were excused attendance and left to run the streets, getting into mischief, and also showing dangerous and destructive tendencies. Five had been tried in one or other of the special schools for defective children, but had proved themselves incapable of profiting by the teaching there, and the other ten had been examined for the schools, but had been recognised as too markedly defective for admission. The remaining eighteen were met with in the ordinary day schools, gaining nothing from the teaching there, and only serving to interfere with the order and progress of the classes in which they were placed."

In Somersetshire, to refer to one group of children only, 153 defective children were in the ordinary elementary schools. "They were receiving practically no training and were often a source of distraction to the other scholars. When the time comes for them to leave school, the educable period will have passed, and they will be turned adrift, with their capacity for useful work entirely uncultivated, to swell the ranks of the feeble-minded." Somerset: Vol. VI., p. 219.

In the elementary schools in the Wiltshire unions, there were 113 defective children and nineteen epileptics; and the conclusion in regard to them is: "the large proportion of them, however trained, will never be able to take an independent position. They are, however, capable of instruction in manual work and agriculture, and if thus trained could work under supervision." Wilts: Vol. VI., pp. 253, 255.

In the elementary schools in the Lincolnshire unions, there were nineteen imbeciles and 248 defective children. The investigator attributes the large number of the latter, in part, to the low standard of average intelligence in the rural districts in that county. Lincolnshire: Vol. VI., p. 300.

298. Taken altogether, this evidence supports strongly the view of the Commission that permissive legislation has failed and that some public organisation should at an early date be established to deal with these cases in a systematic manner. Failure of permissive legislation.

* Since this was written, the Education (Administrative Provisions) Act of 1907 has been passed, by Section 13 of which it is provided that the local education authority shall "provide for the medical inspection of children immediately before or at the time or as soon as possible after their admission to a public elementary school, and on such other occasions as the Board of Education may direct."

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Evidence Regarding the Number of Mentally Defective Children on the School Registers.

Evidence regarding the number of mentally defective children on the school registers.

299. The figures submitted to us by witnesses in regard to the number of feeble-minded children of school age differ in some measure. All through, indeed, in statistics and estimates of witnesses in reference to this branch of our subject allowance must be made for a certain difference in the standard applied to the cases considered suitable for admission to the special classes, which is the criterion on which the count or estimate of these cases depends. The definition of the Act of 1899 was necessarily perhaps vague—the class coming between the "imbecile" and the "dull and backward." In Manchester, as we have seen, the "dull and backward" formed the bulk of the special class, and until observation has led to a more discriminating classification, such as is now being applied, many dull and backward cases, cases of "spurious mental defect," must be included among the "defective children" of the Act.

Ashby, Vol. I., pp. 580–581, 9996–9998.

The figures, however, grade themselves fairly and it may be said that they are generally confirmed by the returns of the medical investigators. We will set the two groups of figures side by side.*

Urban and Rural areas compared.

300. We take the towns and the rural districts separately. Dr. Ethel Williams after a careful examination of the school population of Newcastle reported that 113 out of 46,000 were mentally defective. This gives a proportion of under ·25 per cent. Accounting for this small percentage, she was of opinion that a higher type of children was admitted to special schools in other towns than in Newcastle. For Leeds the estimate was 0·8 per cent., for London 0·5 or 0·6 per cent., for Bradford 0·5 per cent., for Bolton about 1 per cent., and for Birmingham about 1 per cent., of the school population. Dr. Francis Warner's general estimate was 0·8 per cent. We have thus variations in estimate from ·25 per cent., ·5, ·8 to 1 per cent., and even 2 per cent.

Williams, Vol. II., p. 285, 15851.
Buckle, Vol. II., p. 543, col. 1.
Pooley, Vol. I., 247.
Garbutt, Vol. II., p. 121, col. 1.
Wilkinson, Vol. II., 12718.
Pinsent, Vol. II., p. 456, cols. 1 and 2.
Warner, Vol. II., 11026.

We may compare the above-quoted percentages with the figures of the medical investigators of areas in England and Wales. The percentages of mentally defective children amongst the children on the school registers in urban areas are: Stoke-on-Trent, ·60; Birmingham, 1·12; Manchester, with Chorlton and Prestwich, 1·24; and Hull, ·40.

Vol. VI., p. 59, col. 19.

301. Next, if we take a mining district, the Durham county areas, we find that the percentage is ·28, almost the same as that given by Miss Williams in regard to Newcastle.

Vol. VI., p. 23.

The figures in regard to rural districts submitted to us by witnesses were, as to Worcestershire, 350 or ·75 mentally defective children in a school population of 46,368 (exclusive of the population of county boroughs) and in the administrative county of Southampton, popularly called Hampshire, 145 in a school population of 52,000, or ·27 per cent., which, judged by the standard of the neighbouring county of Wiltshire, seems a very low percentage.

Willis Bund, Vol. II., 19347.
Cowan, Vol. II., 19808–19809.

The returns of the investigators as to the percentages of mentally defective children amongst the children on the school registers for the areas are:—in Somerset, ·58; Wiltshire, ·47; Nottinghamshire, ·60; Lincolnshire, 1·10. And in Wales the returns for the areas in Carmarthenshire and in Carnarvonshire give as percentages ·67 and ·33.

Vol. VI., pp. 26, 31.

302. In conclusion, following the data of the medical investigators, we may say that, in England and Wales, the number of mentally defective children may be expected to be, in the areas urban and rural, ·79 per cent. of the number of children on the school registers, falling as low as ·28 in a northern colliery district, and rising as high as 1·12 and 1·24 in urban areas.

Vol. VI., p. 59.

Number of mentally defective children needing provision on school registers.

303. As the tables show, the number of children for whom provision is required varies considerably. By "needing provision" is meant "the number" at the time of the investigation "urgently in need of provision, either: (1) in their own interest; or (2) for the public safety;" or "such cases as are in the opinion of the investigator improperly, unsuitably or unkindly cared for, or who, by reason of particular habits and characteristics, are a source of danger to the

Vol. VI., p. 65. col. 18.

* By the words "*mentally* defective" in reference to children is meant children in Public Elementary Schools suffering from all kinds of mental defect. By "defective" children is meant children defined as defective under the Elementary Education (Defective and Epileptic Children) Act, 1899, excluding the merely physically defective cases. See p. 87 above.

community in which they live." Thus the need of provision, as reported, varies primarily with the extent to which special classes have been brought into existence. Hence, at Birmingham, where there are seven special schools, it amounts to 18.53 per cent. of the total number of mentally defective children on the school rolls; at Stoke-on-Trent to 100·00; at Hull and Sculcoates to 97·38 per cent.—that is to say, to nearly the total number of mentally defective children on the school registers; at Manchester to 74·22 per cent. Number of mentally defective children on school registers "needing provision."—*contd.*

Stated generally, in the urban areas, as a whole, the number of mentally defective children to be provided for out of the total number of these children amounts to 67·39 per cent.; in the rural districts of England and Wales their number is 91·67; in the Welsh areas, 96·44; and in the mining Durham areas, 90·70. We may conclude that in the judgment of the medical investigators nearly all the mentally defective children in the schools have in some way to be provided for. Taken as a proportion on the number of children on the rolls of public elementary schools in England and Wales, the total needing provision would amount to 35,662, as will be seen by the Table below.

Total Children on the School Registers in Medical Investigators' Area.	Total Children needing Provision.	Percentage of Children needing Provision on Children on School Registers	Total Children on School Registers, England and Wales.	Proportion Children needing Provision.	Percentage of Proportion on Total Children on School Registers.
436,833	2,590	·59	6,044,394*	35,662	·59

*Statistics of Public Education, England and Wales, 1904–5–6, p. 32.

CHAPTER XIV.

The Registration, Notification, and Observation of Mentally Defective Children.

304. The Elementary Education (Defective and Epileptic Children) Act of 1899 has, as we have seen, been of great service in bringing to light the nature and extent of mental defect among children of school age; and this question has now to be considered in its further developments; that is to say, in relation to the medical inspection of schools as a necessary means of obtaining information about these cases; in relation to a system of notification, if such be desirable; and in relation to special schools or classes considered as centres for observation with a view to the right treatment of individual cases.

305. The medical inspection of schools on general grounds appears to us to be the condition precedent to any progress in the care and treatment of the mentally defective.* Without it no system of registration is possible, nor can the special class or school be made a centre of observation in these cases. Without the medical officer to use and apply the knowledge which attendance and other officers accumulate in regard to individual cases in the enrolment of children and in their other work, the opinion which the teachers form may be of little or no service in dealing with mental defects. To compile and keep a register of defectives the medical examination of all children is necessary. The utility of the register is obvious. Unless there be a register "many cases in which the grade of mental defect is small [will] escape notice altogether, or be recognised after considerable delay and loss of most valuable time." Medical inspection and registration. Mott, Vol. I., p. 455, c. 1 & 2. Bond, Vol. I., p. 470, col. 1.

"If the Defective and Epileptic Children Act of 1899 were made compulsory and properly carried out," Mrs. Hume Pinsent said, "there would be no need of registration; it would act in itself as a registering authority; every case would be carefully considered by it, the consideration lasting in some cases a few months or a year, in other cases the whole of the child's career. That authority would know who were the defectives in any district." Pinsent, Vol. II., 19175.

But in the evidence submitted to us the question was not confined to this issue; and perhaps it is convenient to consider it here in its more general

* This inspection has now been made statutory under the Education (Administrative Provisions) Act, 1907. 7 Edw. VII. ch. 43, s. 13. By this section the local education authority is required "to provide for the medical inspection of children immediately before or at the time of or as soon as possible after their admission to a public elementary school."

Medical inspection and registration.—*contd.*

bearings, though undoubtedly the registration of these cases, in connection with the work of the attendance or other officers of the elementary schools, is the primary procedure on which the whole method of registration and notification should be founded.

Warner, Vol. II., 11102–11104. Fry, Vol. I., 5772–5776. Turner, Vol. I., 8670. Helby, Vol. I., 5169–5176. Odhams, Vol. II., 13629, p. 153, col. 2. Stone, Vol. II., 13694, p. 156, col. 1.

306. It is agreed that in the registration of the defective children there should be no publicity; and that the registers should be available for use in relation to the whole subsequent education, training, control, or supervision of the children. Further, it is suggested that the area of registration should be enlarged, and that officials and others who come across cases which appear to be of this type, medical officers of health, and hospital and dispensary doctors and relieving officers of the Poor Law should report them to some authority, whose business it would be to keep this enlarged register. Others propose a further step—that "it should be compulsory for the parents and guardians to register"; and others suggest "that to ensure that every case be brought to light it should be made the duty of the medical officers of education authorities, and of all practitioners, to report all such cases to the Central Authority, on the lines of the Act for the notification of infectious diseases."

Helby, Vol. I., p. 295, col. 2.

Notification.

307. The question of notification is closely connected with that of registration. So far as the schools are concerned, "notification can only be done effectively by medical men," Dr. Jackson stated; and in his view only "through the district medical officer or clerk to the guardians, the last-named officer sending in the report to the Commissioners in Lunacy along with his other reports at the end of each three months." "It would be useless to insist that the parents should notify, as relatives rarely admit that a kinsman is mentally afflicted." Notification is necessary "for statistical purposes. I feel sure that the number of cases is greatly in excess of that usually estimated"; and "on the score of economy idiots, imbeciles, epileptics and others are repeatedly thrown on to the rates at a late period of their lives, when they are practically useless and incapable of any training. Such cases in their own homes have been spoiled, pampered and sometimes cruelly punished, but any attempt at education has been quickly abandoned. As a consequence they have to be taken over by the parish in a wretched condition, both mentally and bodily." "Early notification, if followed by removal to an institution, not only may make the individual useful, or self-supporting, but also adds considerably to his mental capacity. There is also a secondary benefit to the family when relieved of the continued presence of a weak-minded relative."

Jackson, Vol. II., 18283, p. 414, col. 1.

Jackson, Vol. II., 18283 and 18304.

Cf. Booth, Vol. II., p. 174, col. 2, and 14063–14066, 14135, and Whitcombe, Vol. II., p. 432, col. 1; and 18562.

308. The importance of these statements it is not possible to overrate, and, obviously, they are so worded as to admit of no exceptions; and yet it is a question whether there are not many cases in which the means and medical advice necessary for making proper provision for a child or other dependant are forthcoming, and in which both means and advice are properly applied already. But, however this may be, here we have the definite proposal that there should be compulsory notification, that is, notification, subject to penalty, on the part of all medical men cognisant of any case of medical defect, whatever the circumstances may be.

309. With this view we cannot agree. According to the proposals submitted to us, there would be, by general consent, a school register of defective children of the class attending public elementary schools, as ascertained by the medical officer of the school. This, it seems to us, would be the nucleus of a more general registration, and it is indispensable. It would be private, and would not be formed by means of public notification, but in the course of the daily administrative work of the educational authority. The school register of mental defect would be utilised again for compiling the register of the local authority which deals with the mentally defective generally, and with that authority would be registered all other cases which have to be notified to it by the officers of other authorities. Further, if parents and guardians notified voluntarily cases for whose care they were responsible, information as to these cases would also be added; and again, as endeavours would be made to promote the well-being of individual children systematically in connection with their life after school as well as at school, it is possible that the notification by parents and guardians, though voluntary, might become general. To make it compulsory,

at this stage, would, we fear, raise needless apprehension and prevent—what the general evidence strongly supports—the introduction of some kind of continuing supervision and, as far as is necessary, of segregation in these cases. Notification—*contd.*

310. And further the argument against compulsory notification on the part of medical practitioners has also to be considered. Dr. Shuttleworth, consulting medical officer to the National Association for the Welfare of the Feeble-minded, said that in the case of "well-off feeble-minded people" to make "mental defect" a "notifiable disease" "would be really impracticable," and if practicable, would be unnecessary, for "they generally have very good homes to go to, and their parents and friends manage with them afterwards." Yet, though not on the lines of notification, a responsibility, he urged, lay with the community in regard to these cases also. For "as regards mentally defective children of a higher social class than those attending public elementary schools, the education (or other) authority should be satisfied," he said, "that the parents provided special instruction of a suitable character in early life, and that, as far as might be necessary, adequate care and control was provided in adult life." This, he thought, could be done with all respect for the susceptibilities of the parents, "so as to avoid unnecessary publicity, and too stringent certification, especially in the case of children whose defect may possibly be transient." Shuttleworth, Vol. I., 9962–9964. Shuttleworth, Vol. I., 9957. 9842, p. 574, c. 1 and 2.

Dr. Whiteside Hime argued that the results of the Notification of Infectious Diseases Act were not such as to justify the application of the method to mentally defective cases; and "another Compulsory Notification Act would be an increase of the unconstitutional burden of obligatory State service imposed on medical men and an additional interference with private life." Besides "it was quite unnecessary." And Sir James Crichton-Browne, one of the Lord Chancellor's Visitors in Lunacy, summed up the question thus: To require a medical man "to notify every defective child he saw in his practice would be putting a very onerous and disagreeable duty upon the doctor. If a medical man happened in the course of his practice to see a child living in private life suffering from imbecility, maintained by parents, and reported it, he would give great offence. If it became his duty to notify it, it must be done in all cases. It would be an invidious duty to put on the profession; and it would be highly resented both by the profession and by the public." But when aid of any kind was given by a public authority, for instance, in connection with the Poor Law, the application for such aid became practically a notification, and the discovery of any such case in an institution to which persons are committed involuntarily justifies all steps which are called for by the nature and degree of the mental defect which is ascertained. This principle we accept, and it would, we believe, enable the community to do all that it is incumbent on it to do in aid of mentally defective persons, adults or children; for Dr. Shuttleworth's insistence on the necessity of the community being assured that in the case of "mentally defective children of a higher social class" proper instruction is given and a proper maintenance supplied, is open to the objection that without notification the case will not become known to any authority; but he deprecates notification, and hence no precautions can be taken that will immediately ensure what he desires. Hime, Vol. II., 19918, p. 520, col. 2. Crichton-Browne, Vol. I., 6104. Shuttleworth, Vol. I., 9842, p. 574, col. 1.

311. We recommend, however, in order to meet this contingency and the evident disinclination to accept the duty of notification on the part of medical practitioners, that, with a view to facilitate the work of the committee of the county or county borough council for the care of the mentally defective in the first instance, it shall be the duty of that committee, in pursuance of regulations to be made by the Board of Control, to ascertain, as far as possible, the number of mentally defective persons for whom the council is liable to provide. The inquiry would be made by the medical officers of the committee, or by a well-qualified medical man appointed for the purpose, acting under the supervision of the medical officer. This inquiry would be similar to that which has been made by the medical investigators who have been employed by us in connection with this Commission; and this, we think, would meet the purpose sufficiently. Inquiry as to number of mentally defective persons. Recommendation LV.

For this investigation, the entries on school registers would serve as a basis. Further, we recommend that a statutory duty as to notification of cases of mental defect coming to their knowledge in the course of duty should be imposed on the medical officers of the guardians of the poor, public health committees, and of convict and local prisons, the relieving officers, the police, the (*See* forms of investigation.) Vol. VI., p. 53. Recommendation LVI

Inquiry as to number of mentally defective persons—*contd.*

naval and military authorities, and the managers of any inebriate reformatories or homes, or charitable, religious or voluntary institutions. Particular authorities, may, however, on special grounds be exempted by the Secretary of State from the performance of this duty. We do not recommend in general that private persons or medical practitioners should be compelled to notify cases of mental defect, but anyone who, *for profit*, shall receive to reside as a patient or maintain any mentally defective person should, within seven days thereafter, notify the same to the Board of Control.

Recommendation LVII.

312. As provision for the mentally defective by "colonies" and other suitable institutions increased, on the advice of medical men, the parents and guardians of children of a "higher social class" would probably take advantage of them, for their dependants or wards, paying higher fees possibly for superior accommodation. Thus many cases would be practically notified without publicity, incidentally, in the arrangements made for their help and education. At present there are no such opportunities for admission to suitable institutions such as these colonies, open to the well-to-do, and the general sentiment of the class has not yet been quickened to approve of them, or to make use of them; but hereafter, as is already the case in some of the institutions abroad which we describe below, "colonies" may, and, we believe, will, become the accepted method of treatment, for all classes will, in different ways, make use of the same establishments.

Observation centres and classes.

Recommendation LXXXII.

313. In the case of both children and adults the use of observation centres is advocated. The children may belong to any of the classes of mental defect with which we are dealing, and it may be possible in many instances to diagnose quickly the nature and extent of the retardation that has taken place in their development. But often, on what are called border-line cases, much thought, coupled with observation and re-examination, has to be expended before a decision is possible. In the slighter phases of retardation, in instances of mal-development that affect some particular faculty or sense among the feeble-minded, and in cases in which it is doubtful whether there is any inherent mental defect or only a general failure and decline of power due to the neglect and starvation of life and its growing needs—in all these cases, continuous or repeated observation is necessary. And upon the sufficiency of the observation depend the practical measures which have to be subsequently adopted. Without this it is often impossible to gauge with any accuracy the "improvability" of a mentally defective mind, which is always subject to a certain irresponsibility that has to be dominated by the energy, initiation, and supervision of others. Nor, without observation, is it possible to forecast whether in all probability the mental powers will quickly weaken and fade away and become entirely useless, so that it is waste labour to expend on their development much time, thought, and money; or to ascertain whether the defect is a passing phase of weakness and not the result of any permanent check in development. It is evident, therefore, that in the interest both of science and of economy, there should be, either at special classes or in some other way, suitable centres for observation and testing. Thus, if the systematic use of observation centres enables medical officers to decide that, in some otherwise doubtful cases, no special education of any kind should be provided, there will be a great economy of thought, labour, and means; and again, in the better cases, the question whether it is worth while to teach a child an industry may, on these conditions, be rightly settled in the negative, and this may prevent the expenditure of considerable sums in fruitless attempts to do the impossible; and subsequently attention may be concentrated on enabling such a child to require just the routine skill, in some one or two ways, which will represent all that it is in the child's power to accomplish. It is admitted that it is both wasteful and injurious, without constant revision and testing, to continue to keep in special classes children whose educability is very limited.

Kerr, 7768, Vol. I., p. 439, c. 2.

Dickinson Berry, Vol. I., p. 542, c. 2.
Potts, Vol. II., 19227–19229.
Thompson, Vol. II., 18212, p. 410, c. 2.

Ashby, Vol. I., 9996–9999.

314. Dr. Ashby, Medical Officer to Special Schools in Manchester, and Dr. Damer Harrisson, Medical Officer to Special Schools in Liverpool, both consider that, when once suitable provision is made for the worse cases of mental defect, special classes will be needed more and more for those that are in a minor degree defective; and for observation. They will serve for "those that are in a minor degree defective, in the sense that they have a weak memory for words and

9999.

figures, but as far as intelligence is concerned they can polish door handles or black boots. Then there is a middle class of children who are at school on probation, as their future for the time is uncertain. Then there is the low grade class; those belonging to this grade should be sent to a colony at once, as the problem of how to deal with it is as pressing at sixteen years of age as at seven years." And Dr. Damer Harrisson says: "What I find in my five years' observation in Liverpool is, that it is extremely difficult—in fact, I think it is impossible—to decide by two or three examinations of a child how far it is amenable to ordinary elementary education . . . Some of them are congenital idiots; some of them are accidentally defective, either from accident at birth or afterwards. These children are bright and interesting, but as time goes on they are unamenable to any education and worse than some of the definitely congenitally defective children." Dr. Hutchison, Assistant Physician to the Hospital for Sick Children, Great Ormond Street, also says: "I would regard the special classes as largely sorting places where those that are going to improve are recognised, and those that are not going to improve are also recognised. The classification would come after a year or two at one of the special schools." And Dr. Potts, a member of the Special Schools Committee at Birmingham, says: "I would have special schools for the purpose of watching doubtful cases." Moreover, in order to ensure proper classification, an earlier age of entry to the school than seven is suggested. "If you get the children in at five instead of seven," Miss M. F. Townsend, a member of the Bristol Education Committee, said, "and have them under your care for a year or two, you classify and draft those that need permanent control into a proper home."

Observation centres and classes—*contd.* Ashby, Vol. I., 9999.

Damer Harrisson, Vol. I., 10723.

Hutchison. Vol. II. 11136.

Potts, Vol. II. 19227–19229.

Townsend, Vol. II. 18359.

315. We may conclude, then, that special arrangements for the observation and for the manual, industrial and other training of mentally defective children are indispensable. We think, however, that these may be provided in more ways than one. Therefore, we do not propose that, in order to increase the number of special classes or schools, the Elementary Education (Defective and Epileptic Children) Act of 1899 should be made compulsory. We believe that by itself, and without many modifications and changes in other directions, that Act cannot meet the needs of the mentally defective; but this view is quite consistent with the opinion that a special class of some kind for the observation and training of mentally defective children should be associated with other means of dealing with the mentally defective as part of a common system. We propose accordingly that where there are special classes they should be used primarily for teaching those who, later in life, would in all-probability be able to look after themselves and to do useful work under supervision, and secondly for purposes of observation. Such classes or schools would, however, pass under the control of the Board of Control and would not remain under the Board of Education. The committee for the care of the mentally defective would, in their discretion, either accept a transfer of the schools or classes from the school authority, or would contract with the latter for the education of such mentally defective children as the committee thought it advisable to send to them. The committee for the care of the mentally defective would, of course, pay the expenses incurred on behalf of these children. And where there are no special classes, we propose that the committee, subject to the approval and regulations of the Board of Control, may provide them or arrange for their establishment by the local education authority, the former entering upon such contracts as may be necessary for that purpose and paying for the children on the lines of the scheme which we submit later on. The relation of the special schools or classes to our problem will, we think, be largely altered by the general appointment of medical officers to public elementary schools; and much regularised observation of children that is now altogether overlooked will then probably be carried on in the ordinary elementary schools. Thus, while the special schools or classes serve for places of observation, the ordinary schools will, we believe, be very much more largely used for that purpose also, with the result that the "special" class will be still further specialised. To take an instance. There is now one class, that in the selection of cases for admission to special schools, appears to be constantly overlapping the class "mentally defective," namely, the "dull and backward." We think that as the special class becomes more definitely specialised, the local education authority, as a part of their ordinary duty, should make provision for these dull and backward children, in separate classes.

Conclusion as to special classes and observation centres.

Recommendation LXXIX.

Recommendation LXXXI.

Whitcombe, Vol. II. 18708–18718.

Conclusions as to special classes and observation centres—*contd.* Recommendation LXXXII–LXXXIV

They should not be passed into the "defective" class, as they are under the Act of 1899, unless it be to ascertain whether they are or are not "defective"; and they should be retained in the special class only until that point has been tested. By presumption they form a part of the group of normal children, and not a part of the group of exceptional children who are retarded owing to mental defect.

CHAPTER XV.

Results of Education in Special Schools and Classes.

316. We have now to consider how far the special schools or classes have been successful in enabling children to make a fair start in life, who would otherwise have entirely failed to do so. If the educational opportunities provided in the special schools and classes established hitherto, are fairly equal, we should expect that, except possibly in some very degraded districts, the number of the children who, on leaving school, were in some measure able to provide for themselves would also be proportionately the same everywhere. On the other hand, very much would depend on the standard of mental defect that was applied in determining the type of children to be admitted to the special schools, or excluded from them. Accordingly without explicit information on that point the variations in the after results can hardly be accounted for satisfactorily. If, for instance, the "dull and backward" children who were admitted were relatively large, the results should be to that extent better, and so, relatively, in other classes. The extent to which this has been the case, it is not possible to ascertain. We have therefore to take the results as general indications of the effect of teaching and training rather than as precise and sufficient statistics. We take London first, in regard to which Mrs. Owen Fleming has given us some valuable figures.

London.

317. Mrs. Owen Fleming submitted to us the results of thirteen years' work at a special school in South London, with such statements respecting the classes of children as made it possible to gauge in some measure what, in regard to these children, is meant by the words "satisfactory," "partially self-supporting," and other descriptive terms. In the district to which she refers the majority of the homes are of a very low class. The "ignorance and want of foresight of the parents" is very great. They "constantly refuse offers of industrial training, and will not forego even small immediate earnings to gain possible future efficiency." And illness, (especially consumption), is very common in the families. At first, the children were sent by the ordinary school teachers and were put, on probation, in the special school for a few months, and then taken by the teacher if considered suitable. That was at the beginning. But the tendency has been to make the school more and more a school for the really feeble-minded, and thus, owing to the lower class that are now admitted, very few, fewer than at the commencement, could support themselves through life. Accordingly, as the school specialises, the results of its training may appear to be less successful from this point of view, though, in fact, it may be more efficient in educating the really feeble-minded up to the standard of their ability. The number dealt with at the South London School was 343. Of these fifty-eight left over age, and of them we have histories; fifty returned to the ordinary school and raise another problem, the actual utility of this replacement of feeble-minded children (if they be really feeble-minded) in the ordinary school; and seven are entered as "uneducable" and, with twenty-two "removed to institutions," raise yet another question which we have to settle under the new conditions that we propose —and lastly, apart from seven children who died and 102 who remained in the school, eighty-eight left the district under school age.

Fleming, Vol II., p. 279, c. 1.

Fleming, Vol. II., 15779–15783.

Children leaving over age. Fleming, Vol. II, p. 279, c. 2.,

318. We take the first group then—those who left over age, and had presumably, therefore, the full schooling available. Of these, thirty-nine are over

eighteen, so that the likelihood of their ability to provide for themselves may be in some measure ascertained. Of this the following table represents the analysis : Children leaving over age—*contd.*

LEFT OVER AGE—58 CHILDREN. Owen Fleming, Vol. II., p. 279, c. 2.

Particulars of (a) Economic and (b) Moral Condition.

(a)			(b)		
		Per cent.			Per cent.
1. Not earning at all -	16	27·6	1. Satisfactory or harmless	20	34·48
2. Occasional small earnings	8	13·8	2. Unsatisfactory - -	13	22·40
3. At fairly regular unskilled work.	26	44·8	3. Doubtful - - -	7	12·06
			4. Acknowledged as Imbecile.	4	6·94
4. Earning good wages -	7	12·1			
5. Supported by husband -	1	1·7	5. No record - - -	14	24·12
	58	100·		58	100·

319. Typical cases show what is meant by "not earning at all," or "at home," or "with parents." Typical cases of children leaving special school over age.

A.—Girl, imbecile, admitted to the school in 1894, aged ten; respectable home; sent to Darenth in 1896; brought home by her parents in 1898; cigar making and training home tried unsuccessfully; 1905, aged twenty-one; at home doing nothing, distinctly imbecile, needs careful watching. Fleming, Vol. II., p. 280, c. 1.

B.—Boy, admitted 1892, aged ten. Specialist reports: "Congenital imbecility and epileptic fits"—home, low class; father seventy-nine, blind; mother consumptive, six children living, ten dead; elder brother in an asylum; left school, 1898, help refused, 1902 in Peckham Asylum; 1904, workhouse, 1905 Caterham Asylum. Reported no trouble, does light work in the grounds. It will be noted that for four years (sixteen to twenty) he was at home under no control.

It is clear that these cases become in the course of time either "home" cases that very often require oversight, or "institution" cases.

320. The next class are those who earn a little occasionally; and the phrase stands for hardly more than "not earning." These children will "never be self-supporting, and probably will soon be on the rates." Typical cases of children leaving special school over age.

C.—Girl, admitted to school, 1892, aged eight; stupid, but willing; home very low class, not to say bad; father deserted, mother living with another man; reported for over-crowding seven in one room 1905, both men in the house. A preventive home for child was offered and refused; in 1899, aged fifteen, a training home was offered and refused; in 1903 the girl applied for help to get work. She was sent to a home, but reported hopeless for service. In 1905, aged twenty-one, she is living in this bad home and doing odd jobs for neighbours. Possibly something might have been made of this girl if she had been sent to a home at fourteen or even earlier. Fleming, Vol. II., p. 280, c. 1.

D.—A boy admitted in 1892, aged eight; had fits and bad sight, very small and delicate; home low class; father was a cooper, now has a barrow; had a sunstroke and now ill-treats wife and children; brother, also in special class, killed by a street accident. In 1899 he left school; several trades tried unsuccessfully; too dull. A place in a good firm was found at last, but the pay was too small, 2s. while learning, and work too hard. In 1903 he was going with a man who had a barrel organ; in 1905 he is lost sight of.

321. The third class is "fairly regular and unskilled work." Even here one does not find steadiness of employment. "It appears fairly certain that an in-and-out condition with regard to employment is the rule, but whether this is more marked than in normal children of the same class it would be difficult to say." The difference would lie in the eventual ability to become self-supporting.

E.—Three boys were admitted in 1892–93 from one family, all deaf and bad tempered; home very low class; father a compositor, diseased and drank; ill-treated wife and children; mother's family of weak intellect and consumptive; in 1898 all went into the workhouse. The first boy left in 1896; repeated attempts to get work for him failed. He became violent, and in 1897 was placed in an asylum. In 1902 he was still in the asylum and the report was good. In 1905 he is at home, aged twenty-five, earning 3s. and food at a greengrocer's. His employer is very kind, but says he has to be very careful not to put him out. The second boy, aged twenty-three, has been in Darenth since 1898. The third boy, aged twenty-one, is at home and earning 14s. and doing well. The father is dead. Two sisters, both weak, are in service. Fleming, Vol. III., p. 280, c. 1.

This is a representative case of a low class home; the drink, the weakness of intellect, the workhouse, the asylum—with at the end, the one boy earning 3s. a week and food at the age of twenty-five, the third boy doing well, and the two "weak" sisters in service—no doubt all of them kept in view and visited. Between these three classes the grades of self-support are not strongly marked,

though we reach higher ground with the third boy, aged twenty-one, who is at home and earning 14s. and doing well—receiving a boy's wage at a man's age.

Typical cases of children leaving special school over age—*contd.*

322. Of the class "earning good wages" it is definitely stated: "Of these there are several who would hardly be admitted now to the special classes. They were taken when the school was first started and when the demand for accommodation was not so great as at present." In other words, the children that earn good wages were probably not "really feeble-minded," but rather dull and backward; and even so, they account for 12·1 per cent. only. But the case following "would probably be admitted now," though he hardly seems "feeble-minded."

Fleming, Vol. II., p. 280, c. 1 and 2.

F.—This boy would probably be admitted now as in 1892, when he was described as deficient and dangerous to the younger children. He was aged eight. Home very low class—the stepfather drank and ill-treated the boy. He was prosecuted by the Society for the Prevention of Cruelty to Children. The offer of a training ship or home was refused; in 1898, left school, aged fourteen, and found work in the fur trade; in 1905, aged twenty-one, he is still with the same firm earning £1 a week, saving money, and very superior to his family.

323. It will be noticed that these cases have all been kept in view for several years; they are specially valuable, therefore, as evidence; and they supply a standard by which to judge results quoted elsewhere. In interpreting the titles of the several classes it should be remembered that the words "satisfactory" or "good work" are used, as a rule, in reference to a "special class" standard. In this instance we may say that 86·2 of the fifty-eight children —the classes entered in the table as "not earning at all," "occasional small earnings," and "at fairly unskilled work"—stand very close together, while those "earning good wages" come mostly among the "dull and backward."

London. Proportion of defective children in schools whose after-career is satisfactory.

324. In the light of this record we cannot but minimise, we think, some of the results of Special Schools which appear more satisfactory. In each instance we have to consider whether dull and backward children have been admitted to the Special Schools in disproportionate number, or whether the school has been kept rigidly for the mentally defective and for doubtful cases. We will take several of these statements in turn.

"Of 138 children who have left Edward Street School, in Deptford, in the last eleven years"—108 boys and thirty girls—in the case of forty-eight boys and fifteen girls the after-career was satisfactory; twenty-two—eighteen boys and four girls—were promoted to elementary schools. Thus, if the admission to the elementary school is taken as equivalent to a satisfactory after-career, the numbers that have done well are: amongst the boys, sixty-six, or 60 per cent.; and amongst the girls nineteen, or 63 per cent. Of the rest, besides those under other heads, three boys are entered as vicious and dangerous; seventeen—sixteen boys and one girl—are entered as transferred to other special schools. All these 138 children are now grown up, "anything up to twenty-three;" and thus, it is concluded time enough has elapsed to show that their start in life has been good.

Eichholz, Vol. I., p. 209, c. 2.

In a criminal and vicious neighbourhood at the Sirdar Road School, Notting Dale, 170 children "have left during the last nine years," and of these thirty, or 18 per cent., were transferred to the ordinary schools. The children partly earning their livelihood are twenty-one, or 12 per cent. Including "the partially satisfactory," those who started well number fifty-one, or 30 per cent. But we note that among the remainder are twenty-six, transferred to other special schools and cripple homes, and sixty-five are entered "lost."

Eichholz, Vol. I., p. 210, c. 1.

In the Brecknock Special School, Camden Town, "the total number left" was 230; of these fifty-five were returned to the elementary school; forty were entered "in good work"; fifty were "lost"; seventy-one were "at home," and fourteen were in asylums and workhouses.

No figures could better show the necessity of supplementing the special class by other measures. In the last instance, if we exclude the cases returned to the elementary schools, only forty, or 17 per cent., came under the head "good work"; and the large numbers "lost" and "at home" suggest the need of some system of after-care and supervision.

Chapter XV.
Results of Education in Special Schools and Classes.

325. In connection with this evidence we would consider the statement of Dr. Kerr, the Medical Officer (Education) of the London County Council, in regard to the kind of children handled in special classes and the results: "Many who can contribute materially to their own livelihood would," he says, "be better if under permanent custodial treatment." Judging from "the detailed reports of these classes," it appears "that a considerable proportion show little moral restraint; some are almost without speech, some seem incapable of work, others work without progress or intelligence; very frequently, too, they are addicted to staying out or even wandering at night, and many of this last class come into the hands of the police. Some have bad habits, and immoral tendencies are common. Many are capable of control while in the special school, but speedily become irregular and incontrollable on leaving it. From a consideration of the tables it appears that about one-third will be capable of materially contributing to their own livelihood after leaving, one-third will partially contribute, but require an after-care association of some kind to watch over them, whilst the remainder should not be allowed to mix with the rest of the community, but should receive some kind of custodial treatment." . . .

The after results of special class education and a classification of children accordingly, Kerr, Vol. I., 7768, p. 435, cols. 1 and 2.

"Compulsory powers for detention will be required for many cases, and compulsory custodial treatment can scarcely be satisfactorily considered apart from the question of the care of juvenile imbeciles into which it merges. Socially they are as troublesome, and in powers of future mischief more harmful, than the imbeciles, and custodial treatment under similar conditions is required."

"The matter as a State provision for the improvement of social conditions will be almost futile, if provision is not also made for continuing the custodial treatment after school ages."

"One-third of these children can do some simple things and earn a little, but not provide for themselves. In many cases, working with fathers or mothers, they are kept usefully employed; others without some oversight will become useless burdens, loafers or criminals, always out of the ordinary run of life, and apart from the ordinary population. For this group some after-care association might be organised to help them in the first few years of inexperience and danger. Such a committee is working in connection with the Birmingham School Board."

"The remaining third, who are intellectually the better class, will go through life at a low level, some improving their circumstances, some sinking, much as is found among the ordinary population of which they are a part. For these children manual work in the carpenter's shop or laundry is the most useful employment after twelve. Attempts at more formal education seem almost wasted effort, of little practical value. The consideration of these higher grade feeble-minded also suggests the large group of 'dull and backward,' on whom years of school work seem a wasteful outlay, and where, if they could be separated effectively at the age of ten to twelve, a training to become 'hewers of wood and drawers of water' might make them happier and more useful to others."

The estimate of one-third of successes, according to the reports of the special classes, appeared to Dr. Kerr to be over-sanguine. Kerr, Vol. I., 984–7985.

326. Mrs. Dickinson Berry, Assistant Medical Officer (Education) to the London County Council, supplements this statement by an analysis of the results in 100 cases.

Children from Special Schools classed according to the "ultimate destination." Dickinson Berry, Vol. I., 9323, p. 543, col. 1.

"*Class* I.—*Children passed up into ordinary schools.*—I cannot give the exact percentage of children who are thus passed up, but I should give it roughly as from 5 to 10 per cent. I enquired particularly in six special centres into the subsequent progress of the children passed up, 102 in number. In two cases only had unsatisfactory reports been received—one of these cases was at home doing nothing, the other was in a home for feeble-minded girls. The large majority had done fairly well at school, though few had got beyond the 3rd or 4th Standards. Several were known to be earning good wages, but several had, of course, been lost sight of. In no case had there been a request for re-admission into the special school. I consider that the cases in Class I. requiring treatment in a Custodial Home are exceptional and may be disregarded."

"*Class* II.—*Those who leave the Special Schools at* 14 *or* 16 *and are considered capable of wholly or materially earning their own living.*—I would include in this class about 45 per cent. of all cases admitted. Among them are a good many whose attainments in school subjects, especially reading, are very low, but they

Children from Special Schools classed according to the "ultimate destination"—*contd.*

are children who do manual work well and are of fair general intelligence as regards ordinary matters of life. Teachers have recorded to me many cases of boys or girls of this class who have done well in factories or domestic service, and have even cited instances in which employers have preferred boys of this type for certain mechanical kinds of work as being more reliable and less volatile than those of normal intelligence. I consider that in this class also it is only exceptional cases who will be suitable for custodial homes."

"*Class* III.—*Cases unable to do more than partially support themselves.*—These I should put at about 50 per cent. of all cases admitted. This class includes: (1) Those wholly incapable of contributing to their own support, and who may be practically considered imbeciles, roughly speaking about 10 per cent. These are the cases I classified as fit only for a Custodial Home in a report already quoted by Dr. Kerr. (2) Those capable, under supervision, of doing a certain amount of work of a useful or remunerative character—about 40 per cent. A certain number of these have homes where, after leaving school, they are looked after fairly satisfactorily and where they are of use in helping parents, but in most cases they are only a burden at home, are most inefficiently looked after, and after sundry ineffectual attempts to obtain or retain work, end by becoming in one way or another a burden on the rates."

"Roughly speaking, I should consider that at least 50 per cent. of the children in London County Council Special Schools are suitable for permanent care in homes. The small number excepted from Class III. is more than compensated for by cases in Classes I. and II."

327. The result would thus appear to be that from 5 to 10 per cent. of the children are moved into the ordinary schools and do well. Of the class below them, some 45 per cent. at most "do manual work well and are of fair intelligence as regards ordinary matters of life"; and they are considered capable of earning their own living altogether or to a material extent. The third class, about 50 per cent. of the whole, are 10 per cent. of them "fit only for a custodial home," and about 40 per cent. capable of doing a certain amount of work under supervision. These figures, however, and the others which we have quoted above from various sources, should probably be subjected to some reduction, in the light of Mrs. Fleming's records above.

Birmingham, Pinsent, Vol. II. p. 456, c. 1.

328. In Birmingham, probably to as large an extent as anywhere, have the cases of mental defect among children in the district been brought to light. As a member of the special schools committee, Mrs. Hume Pinsent was struck by the small number of children in special classes; subsequently visiting all the fifty-six elementary board schools in Birmingham, containing about 60,000 children, she found, on an average, four in a school whom she thought sufficiently defective to bring up for medical examination; and there has been a periodic examination ever since. For this repeated inspection a permanent official was appointed, and "we now know of over 600 mentally deficient children needing education in a special school." It is probable, therefore, that the mass of these children who can come under the Elementary Education (Defective and Epileptic Children) Act of 1899 are passing through the Birmingham schools.

The first question that requires attention is the age at which the children leave. A return like that made in regard to children leaving the London schools is furnished in regard to the Birmingham children. From this it appears that "it is almost impossible to retain the better children in special day classes after the age of fourteen; the parents withdraw them if they are capable of earning anything, and as the fines seldom exceed the money earned by the child, the exaction of the fine fails to ensure the child's attendance." Thus, out of eighty-two children, forty-one left the district at ages between seven and fifteen; twelve at fourteen without leave; and four at fourteen with leave. Of the remainder, the reasons given for their leaving the special schools are as follows: eight are in the workhouse and seven in private schools or homes; and two are marked off "epilepsy," four "ill-health," and four "distance."

Pinsent, Vol. II., p. 457, c. 2.

Another table deals with the wage-earning power of the children who have left school. Fifty-one children have been noted; nineteen are wage-earners, thirty-two are doing no work. Of the wage-earners three were at school under one year, five between one and two, eight between two and five, and three between five and nine years. The wages run from 4s. to 9s., 10s., and 12s., the average being 7s. 2d. But turning to those "doing no work," we find that they stayed

Vol. II., p. 459, c. 1.

at school much longer than those that are earning—nine as against five were at school between one and two years, ten as against eight between two and five years, and twelve as against three between five and nine years. "Only three of the wage-earners on the after-care list remained in school for anything approaching the full period, while twelve children who are now doing no work had a long school career"; and "it is probable that all the forty-one children who left the Birmingham special schools while still of school age had their education continued in ordinary schools or went to no schools at all. In either case the years of special and expensive education were probably entirely wasted." There is thus abundant ground for a change of system.

Birmingham—*contd.* Pinsent, Vol. II., p. 457, c. 2.

The "After-care" Sub-Committee reported on 104 mentally defective cases visited during four years. Nineteen, as stated above, are earning wages, and of these "fourteen have a good chance of becoming self-supporting, but five need permanent protection, though they could do remunerative work under supervision in an industrial colony." Two other classes—three who work with parents and receive no wages, and thirty-two who are doing no work, "ought all to be in an industrial colony." "If they had been placed in a boarding school and given regular manual training they would have been far less useless than they are at present"; and cases are quoted to show the urgent need of an industrial colony.*

Vol. II., p. 458, s. 1. p. 458, c. 2.

329. This evidence has been so carefully analysed and is so thorough that it seems to us to qualify largely any assumption that may at first sight be based on the returns quoted by Dr. Eichholz, His Majesty's Inspector of Schools for the Blind, Deaf, Defective and Epileptic in England and Wales, and others, and it suggests that the educational part that the special class should play in the future is much smaller than that which it has played heretofore. The industrial colony combined with educational opportunities available for children admitted to it, would seem likely to be more useful than special classes from which the children can be taken away almost at will, allied to an industrial colony separate and detached in which no similar educational opportunities are provided; and, indeed, the question arises whether in these circumstances the present intermediary boarding home system itself is required, unless to a very minor extent for particular types of mental defect. But this question we have to discuss in more detail later on.

Eichholz, Vol. I., p. 208, c. 1.

330. At Liverpool, the observation of mentally defective children has extended over a period of from three to five years. This, admittedly, is too short a period from which to draw sufficient conclusions. The children too have been received into the schools at varying ages from five to fifteen. There have been examined 1,239 children: 265 cases were rejected as "hopeless" and fifty-eight were found to be so after admission to the special school. On the rolls there were at the time at which the evidence was given 322 cases, and of these 222, it is stated, would require permanent control. Very careful returns are given of the children—classified according to their prospective ability. Taking these returns solely from the point of view of the extent to which the children can earn a living later on, we have the following results:—

Liverpool. Damer Harrisson, Vol. I., p. 617, c. 1. Vol. I., p. 617, c. 2.

Children in School:		
(*a*) Who will never be able to earn their own living	96	
(*b*) Who could probably earn their living under control	126	
(*c*) Who would become wage-earners	100	
		322
Children:		
Left as hopeless cases	58	
Left who should be under permanent care	69	
		127
Total		449

Vol. I., pp. 617-619.

331. It thus appears that even allowing for a large exclusion of cases at the out-set as unsuitable for admission to the special classes, about 47 per cent. (ninety-six) will never earn their own living, or are (fifty-eight) hopeless cases, or (sixty-nine) should be under permanent care, and 28 per cent. (126) would probably earn under control, and 22 per cent. (100) would become wage earners. This, it appears, confirms the view that we have expressed, namely, that the special school should serve as a place for the education of those likely to be able

* "We have recently received further information from the same source showing that, of 308 mentally defective persons who have been watched over by the 'After-care Committee, only 3·9 per cent. earn as much as 10s. a week, and only 19·8 per cent. have become wage-earners at all. This information is of great value, as it is the result of seven years' investigation."

Liverpool—*contd.* to look after themselves and to be employed under supervision, and for testing and observing the children, and should be treated rather as an introduction to a wider system of training and occupation than as an educational institution by itself. The survey of these cases, it must be remembered, does not extend to any number of years after attendance at the school has ceased, so that we cannot judge of the actual results as against the results estimated; and from the number of those who are set down as "could become wage earners" some further deductions would have to be made.

Bolton.
Wilkinson, 12713.
Vol. II., p. 102, c. 2

332. At Bolton there are two schools: through one, sixty-nine, through the other forty-five pupils have passed, twelve and sixteen have been transferred to the normal school, and of the rest twenty-one and five (or in all 23 per cent.) are entered as left and gone to work—a percentage that may be compared with the 28 per cent. of probable wage earners at Liverpool, the 20 per cent. successes at some of the London classes, etc.

Leicester.
Clephan, 18442.
Vol. II., p. 425, c. 2.

333. In regard to Leicester, Miss Clephan, the manager of the special schools submitted a note in regard to fifty-seven cases which during the past three years had been under special treatment, but had left the Special School. Of those, thirty-three were at home or with friends; and of the rest, eleven were in pauper establishments, five in asylums, four dead, one no record, and three abroad or in home or in private school. Fourteen boys and two girls (in all 28 per cent.) have become wage-earners with an average wage (full work) of 10s. 9d. weekly.

Cf. Bennett.
Vol. II., p. 162, c. 1.

The "merely scholastic results" in the case of twenty boys examined after leaving school justifies the general substitution of manual for "scholastic" work. Of twenty boys, twelve could not read at all, four "doubtful," two "could read," and two "only just left."

Bennett, Vol. II.,
13867, p. 162, c. 1.

At Willow Street, Leicester, out of 126 children, forty-three had been transferred to normal schools; four had died; three were unfit for school, and twelve were transferred to local asylums, the workhouse, or reformatory, four had left the town, and twenty-one were sent to work or working at home (girls). Thirty-nine were in the school. Here the transfer of 34 per cent. to normal schools suggests that a higher grade of cases has been dealt with than elsewhere.

Bradford.
Garbutt, 13045
Vol. II., p. 121,
c 1.

334. The after history of 210 cases at Bradford gives these results; fifty-seven not traced; eighty-nine in regular employment; five at home performing domestic duties; two enlisted; eleven in ordinary schools; twenty-four unfit for regular employment; and for the rest, eleven dead, and the remainder in institutions, besides two imbeciles at home. This return, if the grade of children who are admitted is the same as the grade of children admitted elsewhere, is extraordinarily satisfactory. In 107 out of 210 cases of mental defect the child has returned to normal conditions. The average wage earned by the boys is

p. 121, c. 2.

9s. 10d.; that of the girls 8s. 5d., "the employment in the vast majority of cases being in the mills." The average age of the children who had left school varied from about thirteen to twenty-two. The average time spent at school was two years and three months; the average time since the children left the schools was five years and three months, varying from a few months up to eight years.

Bristol.
Townsend, 18324.
Vol. II., p. 416, c. 1.
and 2.

335. At Bristol, as in Leicester, there are data of results under both heads, industrial and scholastic; we give the former; the classification of the mentally defective cases with regard to scholastic results is not precise enough to make it of much value.

Redcross Street Centre:		Transferred to ordinary schools	9
Dismissed	59	Over age living at home, either helping in the house or idle	10
		Over age: gone to work	12
		Under age: but uneducable	7
		Sent to workhouse or to institutions	8
		Miscellaneous	13
			59

It is difficult to give precision to all these entries, but in general they do not seem encouraging.

336. We may conclude that the results of this survey confirm the opinion that the special school or class is to be regarded rather as incidental to a general organisation of industrial and institutional training than as of main or ultimate importance in itself. This conclusion is far reaching. If it be accepted, the special class or school as part of the elementary education of the country does not remain the central point of organisation round which an industrial and institutional system should be organised. The latter becomes the central point, and the special class becomes incidental to its working and development.

General Conclusion as to the utility of existing special schools and classes.

CHAPTER XVI.

Methods of Education in Reference to Institutional Care and the Family Supervision and Wardship.

337. We have entered on this discussion of results in some detail. Very much turns on it. If the evidence on this head shows that the special schools or classes under the Elementary Education (Defective and Epileptic Children) Act, 1899, are turning out children who become self-supporting and satisfactory citizens then, one of the first things necessary would be that the Act should be made compulsory. If this is not the case, or if there be some better scheme altogether, then there must be a considerable readjustment of administration to meet the conditions now considered necessary with the least waste of effort and resources.

338. Many desire that the Elementary Education (Defective and Epileptic Children) Act, 1899, should be made compulsory, and there is no doubt that very much good is to be attributed to it. Following earlier experiments it gave to those interested in education the first opportunity of trying what could be done for these children on day school lines and under a special curriculum. Whether the number of those who, when they left school, could materially support themselves were few or many, it helped to make the larger number of the children cleaner in person and habits, more orderly and more moral; it did this where the parents cared for their children and wished to do the best for them, and it did it, as far as might be, where the parents were careless and inconsiderate of their children's welfare. The scrutiny of the lives and mental condition of children, made in consequence of the investigations of Dr. Francis Warner, Dr. Shuttleworth and others, led to the passing of the Act; and the Act itself has been instrumental in producing still further enquiries of the same nature. And now, by degrees, with greater knowledge, the demand which it first created has assumed larger proportions. Schooling in personal habits was found to be the first step in education. Then, more and more, it was made evident that the intelligence was roused through the hands and eyes working together in making or doing some actual thing rather than by the secondary and more abstract accomplishments of reading, writing and arithmetic. This suggested great changes in teaching. And now, in the opinion of many, the simple "occupations" of the earliest years of schooling should develop into systematic industrial teaching, while the "scholastic" teaching should become entirely subordinate, and indeed, in some cases, should be discontinued. But, as we have seen, criticism has gone further still. Analysis has shown that the special school by itself is largely unserviceable, from the point of view of the after-life of the child. The feeble-minded child can, in the main, become only a feeble-minded adult educated into a rather better routine of thought and habit. If special education is required on his behalf in his school days, special care will probably be necessary for him when he has left school; and, moreover, later on in life. All this by degrees, the Act of 1899 has enabled many to learn.

Result of the Elementary Education (Defective and Epileptic Children) Act, 1899.
Kerr, Vol. I., 7768, p. 433, cols 1 and 2.

PART III.
THE EDUCATION AUTHORITIES AND MENTALLY DEFECTIVE CHILDREN.

Chapter XVI.
Methods of Education in Reference to Institutional Care and the Family Supervision and Wardship.

Result of the Elementary Education (Defective and Epileptic Children) Act, 1899—*contd.*

Shuttleworth, Vol. I., 9881-9891.
Ashby, Vol. I., 9996.
James, Vol. II., 14277, p. 187, c. 1.
Kerr, Vol. I., p. 435, c. 1.

339. We have come now to this point. Though in one or two places, such as Leicester and Bradford, a comparatively large number of the mentally defective children have passed into the ordinary elementary classes, under possibly rather different conditions of selection and employment than prevail elsewhere, as a rule it may be concluded that the special class has done well, if about 33 per cent. of the children are "capable of contributing materially to their own livelihood after leaving." Thus the question has arisen: are the remainder—the 67 per cent., taught sufficiently well or in a manner sufficiently adapted to their particular wants and requirements? What is to be done for them? If, as many witnesses contend, they represent a most difficult class, for whom in the common interest provision or supervision is necessary, what measures are we to adopt? And if we are to look forward to completing and modifying the "Special School" system what should be our methods of education? This raises the following points:—

(1) *Is the institutional system, coupled with admission to an institution at an early age, better than the special class system?*

(2) *What, in the future, should be the relation of the special class to after-school life at home or in some kind of colony or institution?*

(3) *What should be the relation of the plan of education to the family?*

(4) *What should be the system of after-care and after-control in relation to the family or life in a colony or institution?*

(5) *What should be the method of education in regard to manual work?*

(6) *What should be the conditions of selecting and training teachers?*

Relation of Institutions to the family and the special class.

340. *Is the institutional system, coupled with admission to the institution at an early age, better than the special class system?* This is the first question.

The answer to this and the other questions turns largely on the competence of the family to care for and train their mentally defective child, and these questions may, in part, be settled by using that standard—the competence of the family—as a measure of the extent of intervention actually necessary, considering at the same time how limited is the scope of education in the case of the mentally defective. But in any case it seems clear that early attention to the child's special needs is most desirable. Dr. Rayner, formerly Medical Superintendent of the Hanwell Asylum, for instance, says: "I should hope that if that system of early discovery and early treatment of defective children, and, of course, coincident with that, the education of mothers in the care of children, were carried out very extensively, many of these children who now come to school as distinct imbeciles might be in a very much better condition for treatment, and that probably the amount of after-care would be much less . . . . and the institutional treatment later on . . . to some extent lessened by the care given at this early stage of life." But it is urged that the early treatment should be wholly institutional, and that only under that condition will the best results follow. Miss Anderson, who has had considerable experience in training mentally defective children, took this view and quoted some strong instances in favour of it. She argued that the greatest want in the feeble-minded was that of self-control; that certain impulses common to all animals, in their minds could only be kept in check by outside pressure; and that "in the long run to the community at large" the least expensive way of imposing this check was to deal with the feeble-minded, not at the adult stage when "in ninety-nine cases out of 100 only amelioration of a non-lasting character could be achieved," but in the earliest infancy, when great results could be produced. Accordingly she took charge of children, she said, at the ages of two to ten, provided for them good physical nourishment and then trained them in self-control by personal teaching, by stimulating the brain, through the exercise of the senses, and manual work, and by letting the competitions of child life have their place in education. As one, among many instances, she mentioned the following:—

Rayner, Vol. II., 15222.

Anderson, Vol. II., p. 261, c. 1, 15470.

Anderson, Vol. p. 262.

> P. L. at three years old was a wailing baby, unable to stand or feed himself; with constant catarrh; looked like an imbecile; with no control. The physical condition after three years training was: "Walks three miles; marches well, clean, grown six inches, a pretty sturdy boy. On admission he was 'nervous and excitable and had no speech.' After the three years he 'talks nicely, knows letters, etc., and is very observant'; and the diagnosis of his intellectual development is good; of his moral 'possibly good,' and in adult life 'he will probably be self-supporting in some controlled community.'"

Anderson, Vol. II., p. 261, c. 1.

341. With such experiences as these, it is natural to suggest that in addition to a law giving "power of compulsory detention of those among the feeble-minded who, unless under outside control, are a danger to the community,"

there should be a law "compelling parents and guardians of all ranks to place their children in properly graded homes at the earliest age when the defects of the mind show themselves." Dr. Bevan Lewis, the Medical Director of the West Riding Asylum at Wakefield, also gives instances of very great mental progress made in a comparatively short time in low grade defectives at the Stanley Hall Home in the West Riding; so, also, do the managers of idiot asylums and of homes. And in general the evidence is, we think, strong enough to prove that at a comparatively early age and combined with a good system of training, institutional life for a time produces extraordinarily successful results within those limits which confine the development of a feeble-minded child. If this conclusion is correct, the system of the special day school should be largely superseded or supplemented by an institutional system of some kind, or should be connected with it. But the point has to be considered further.

Relation of Institutions to the family and the special class. — *contd.*

Anderson, Vol. II., p. 261, c. 1.

Bevan Lewis, Vol. II., p. 12, c. 2.

Anderson, Vol. II., 15479–15486.

Wilson, Vol. II., p. 24, c. 1, and 11320

342. Thus we come to the second question: *What in the future should be the relation of the special class to after-school life at home or in some kind of colony or other institution?*

Relation of the special class to later life.

To answer this, it is necessary to refer to the evidence which we have received in regard to the families of these mentally defective children.

The parents are very often much attached to their feeble-minded children. Their dependence seems to strengthen the claim to affection.

"In one or two cases I have known the mother wished to have the imbecile and would have been very much distressed to have it taken away. Thus, in one case, the mother took away the child from Darenth. It was a hopeless case: she would never be self-supporting. I do not see why the mother should not support her, if she can. . . . A bad case which would be a nuisance to neighbours, or the normal children in a family, I should advocate removing. It is the harmless cases I would leave in their homes. The family are often much attached to them. I knew a boy who was perfectly imbecile, whose mother was devoted to him; she took great care of him at home."

Fleming, Vol. II., 15807–15811.

Cf. Warner, Vol. II., 11055.

These one or two instances represent many, and we may conclude that, as a rule, in harmless unimprovable cases, where the family circumstances admit of it, the children may be left at home, subject, we should add, to such friendly supervision as we propose below.

343. The question then arises what should be done in the definitely improvable, and often difficult, cases of feeble-mindedness, especially so as to avoid what many notice, their relapse after the "special class" period. In view of the general and acknowledged attachment of parents to mentally defective children, it seems to us quite wrong to accept the policy of removing all mentally defective children at the earliest age to institutions of some kind. From the point of view of administration also, it appears to be financially impossible, even if it were—as would seem to be very doubtful—always to the educational interest of the individual child. In the greater number of cases reliance must be placed on the parents, and the means of education within their reach. Two things, therefore, must go together—especially in improvable cases—supervision and training at the home, which involves very often the exertion of some external influence over the parent from the earliest years of the child, and the special use of educational means.

Bennett, Vol. II., 13880, 13881.

344. Many witnesses have insisted on the necessity of after-care, but, considering the number of the children, and the difficulties of continuous supervision, we can hardly rely on voluntary effort in "after-care," unless it be combined with a much more effectual system of general supervision. It has seemed to us, therefore, that some completer method should be adopted.

After-care on a completer method.

Pinsent, Vol. II., 19174.

Clephan, Vol. II., 18455–18462.

345. On the plan we propose, there will be one central authority responsible for the general supervision of all mentally defective persons, associated with local authorities engaged in the practical work of providing for them and caring for them. Cases of mental defect will be reported to these authorities by other bodies, so that, as far as possible, the ultimate responsibility of dealing with them will be definitely placed upon their shoulders. When the parents care for their children and look after them, it is suggested that a friendly visitor may, if desirable, be appointed by the local authority to advise and assist the parents as to the proper treatment of the case. This would be an honourable office, and many—especially women—well qualified for it, might be willing to undertake

Recommendations I., XXVIII.

Recommendation LVI.

Recommendation LI.

After-care on a completer method,—*contd.*

it. In this way, the early care of the child in the development of the senses and of self-control may be exercised and in every way promoted. More thought would be given to the individual child and its concerns on lines not unlike those which are adopted by the Metropolitan Association for Befriending Young Servants, which, by arrangement with boards of guardians and with the sanction of the Local Government Board, visits and helps girls when they leave the Poor Law schools. The visitor, in co-operation with the local authority, and by voluntary agreement with the parents, would arrange that the child should go for a time to a special home in the country, or to a special class, so that what is possible on the educational side should be achieved. The education in the home and that at the school would thus be brought into some kind of unity.

Poole, Vol. II., 13545, p. 147. c. 1 and 2.

Recommendations XLIX & L.

There are, however, many cases in which the home influence is extremely bad and the family neglects or ill-treats the child, or where the parents are themselves mentally defective or criminal and quite unable to take care of and control their defective children. A great deal of evidence has been given as to such cases and there is a striking unanimity of opinion that power should be given to compel these parents to send their defective children to a Residential Training School or Colony. In these and in other instances in which it seemed desirable, the child could, by resolution of the local authority, become the ward of the local authority until the age of twenty-one, with the possibility of their continuing to supervise him after that age by leave of the Board of Control. There will thus be in the hands of the local authority a large power to promote the well-being of the child in supplementation of the activities of the home, or, if the parents neglect the child and wish to make use of it for their own purposes, apart from them and independently.

Recommendations LV. and LVI.

Other measures would support these arrangements. All mentally defective children who require care and control would be reported and registered. It would be the statutory duty of the Medical Officers of Local Education Authorities, of Guardians of the Poor, and of Public Health Committees, the Relieving Officers of Boards of Guardians, the Medical Officers of Convict and Local Prisons, the Police, and the Managers of any Homes for Inebriates or any Charitable or Voluntary Societies, to notify all cases of mental defect to the Medical Officer of the Committee of the Local Authority for the care and control of mentally defective persons. The registration of children in connection with the Public Elementary Schools would thus have a new purpose, and it is hoped that the supervision that will be made possible under this plan will prevent very many feeble-minded children from disappearing during or after the school period and being written off as 'lost.' The Local Authority of each County or County Borough will appoint a Medical Officer and also certifying Medical practitioners, who, apart from the duties imposed on the Medical Officers of Institutions, would be responsible for all Certificates relating to mental defect, and would, in conjunction with the Medical Officer of the Committee, make the certification of the cases of children more uniform, inasmuch as, acting as the officers of a common administration, they may adopt by degrees a common standard. There would also be an annual revision of all cases of mentally defective persons in Institutions: and the transfer from a special class to an Institution or from one Institution to another, in the case of Wards of the Local Authority (that is, probably in all cases of difficulty due to parental conditions), would be arranged by the Committee, while in other cases the continuous supervision of the Friendly Visitor, joined with the system of notification and registration, would be likely to lead to much greater influence being brought to bear in particular instances, in which, though there is no control by wardship, better care should, in the public interest, be taken of the child in an Institution or otherwise. And finally, the certification of a child as an idiot, or imbecile, or feeble-minded, or a moral imbecile, or a mentally defective epileptic, or deaf and dumb, or blind person would impose upon the Committee the duty of making the necessary provision for him, and, coupled with an order for detention, would give them the power to remove him. Thus, wherever needful, education under Institutional conditions might at any time supplement or follow education in the Special School, or take its place.

Recommendations XXXV. and XXXVI.

Recommendations LX. and LXI.

Recommendation LI.

Recommendations IV. and XXVIII.

We recommend, indeed, that a system of wardship and friendly supervision should be adopted that would in many cases fulfil the purposes of "after-care."

346. The fact that there was throughout and for all purposes one single and responsible authority, would make irrelevant all proposals for the transfer of the child at a certain age from one authority to another, as for instance, as some have suggested, at sixteen or any age up to twenty-one, from the care of the education authority to the board of guardians, and from them to the lunacy authorities. Wherever the mentally defective person might be, and in whatever way the local authority might provide for his maintenance, he would remain under the care and control of one local authority only, subject to the supervision of the Board of Control. A new Act for the care and control of the mentally defective has become necessary. The Elementary Education (Defective and Epileptic Children) Act, 1899, as far as it relates to the mentally defective, or to epileptic children so afflicted by severe epilepsy as to be unfit to attend public elementary schools, should be repealed.

Partial Repeal of the Elementary Education (Defective and Epileptic Children) Act of 1899.

Recommendations II., LXXII.—LXXIII

As regards epileptics not mentally defective, see Paragraphs 883–894 below, and Recommendation XC.

347. In answering the second question therefore, "*What in the future should be the relation of the special class to after-school life at home or in some kind of colony or other institution?*" we have answered incidentally two others; (3). *What should be the plan of education in relation to the family;* and (4). *What should be the system of after-care and after-control in relation to the family or life in a colony or institution?*

The two remaining questions raised above are: *What should be the method of education in regard to manual work;* and *what should be the conditions of selecting and training teachers?* The answers to them will be found in our next Chapter XVII.

CHAPTER XVII.

Manual and Industrial Training and the Education of Teachers.

348. The pupils in special schools do not consist wholly of feeble-minded children who are to receive a special education. After all are excluded, who, under the Elementary Education (Defective and Epileptic) Children Act, cannot be benefited by the special schools, those, namely, who suffer from the more marked forms of mental incapacity, idiots and imbeciles, there remain the feeble-minded and generally, to some extent, the dull or backward, or at least those who, whether so adjudged or not, are expected to be able to return to the normal classes of the elementary school. These are not merely children who are on probation or under observation because, being so near the border line of the normal, it is doubtful whether they are feeble-minded of the highest type, or "merely dull or backward," but they are feeble-minded children who it is thought may, after all, find a place in the common school. Hence the "special" school has to cater for two grades. As Miss Gavin, a teacher at Orange Street Special School, said, "I think there are two sets of children in the school. I think the children who are going back must have book-work; but I do not see much good in book-work for those who are never going back." There is, in fact, one syllabus applicable to two sets of children. And the fact is recognised by others also. Thus Mr. Garbutt and Dr. Crowley, who gave evidence on behalf of the Bradford Education Committee, say: "The special schools need supplementing by more definite provision for the milder cases of mental deficiency. This should take the form of a special class under Sec. 2 (1) (A) of the Act in the ordinary school taught by a teacher well trained in infants' school methods, and not comprising more than, say, sixteen children. In such a class a considerable number of these very backward children would be made capable eventually of passing with moderate success through the ordinary school." The special school must, no doubt, have its own classification according to the extent to which the development of the brain and mental capacity of the children tends to stop at an earlier or later stage. But this classification would be a classification of mentally defective children, and would be made in their interest solely. They are the set of children "who are never going back." In the special school there must always also be space and opportunity for the observation of children in doubtful

Classes of children in special schools.

Gavin, Vol. II., 13231
Bennett, Vol. II., 13878–13879

Garbutt and Crowley, Vol. II., p. 122, c. 1.

Classes of children in special schools—*contd.*
Rayner, Vol. II., p. 238, c. 2.

cases of feeble-mindedness; and some may stray into the school who, as it is said, "have some inherent defective tendency," and on whom "conditions of ill-feeding of disordered digestions and defective hygiene, that in normal children would produce little effect, produce on these the most serious results, such as insomnia." "I have had normal children brought to me as defective," Dr. Rayner, formerly Medical Superintendent of Hanwell Asylum, says, "simply as a result of insomnia"; yet in these circumstances there would not be two sets in the school, but one set, with exceptional cases which are under observation.

Rayner, Vol. II., p. 239, col. 1.

Returning defective children to the normal classes.
Bennett, Vol. II., 13879–13880.

349. If, then, we are to judge of the utility of manual training or "scholastic" teaching for the feeble-minded, it is essential that the classes should contain feeble-minded children only. If the children are not really normal, only harm is done by teaching them as such, and returning them to the ordinary classes. Dr. Bennett, who gave evidence on behalf of the Leicester Education Committee, says: "A feeble-minded child is going to be a feeble-minded child always; but one who through ill-health, bad feeding, or whose nervous system is not active, is merely backward, is only feeble-minded in appearance. I have traced the history of a fair number—about forty, who have returned from the backward or feeble-minded school to the normal schools, and at least one-third ought not to have gone." And Dr. Eichholz, H.M. Inspector of Defective and Epileptic Schools, points out that two great disadvantages accompany the transference to the normal school, which, when it is made, usually takes place about twelve years of age. The child passes, he says, from a class of twenty to a class of sixty, and he ceases to receive manual instruction, for, in the lower classes of the elementary school it is not given. The removal may thus be of doubtful value. And Mrs. Owen Fleming, the manager of a special school at Southwark, writes: "Many of these children," who are returned to the ordinary school, "appear to need as much care as those retained in the special school, and at present there is no special organisation for watching them." And other witnesses also recognise the difficulty. It seems to us that to as small a degree as is possible, the special school should have this double character of school for the feeble-minded and school for the backward; it should not be both a school for the feeble-minded and also a class for the dull and backward. For the latter there should be classes forming part of the ordinary organisation of the normal elementary schools; and if it is doubtful whether a child is feeble-minded or dull and backward, the first reference of the child should be to such a class. If, being in that class it is still doubtful whether the child is feeble, then he should be transferred to the "special" class. But except in cases of extreme doubt, backward children should not be placed with feeble-minded children. "The feeble-minded child is going to be a feeble-minded child always," and can never achieve the compass of self-control and education that the backward child can reach in a few years. Hence there are limitations in the one case which have no special bearing in the other.

Eichholz, Vol. I., p. 210, c. 2.

Fleming, Vol. II., p. 280, c. 2.

Pinsent, Vol. II., 19164–19167.
Williams, Vol. II., 15856–15858.

ennett, Vol. II., 13879.

Potts, Vol. II., 19276.
Ashby, Vol. I. p. 580, c. 1, 10151, 10154.
Caldecott, Vol. I., p 594, col. 1.
Recommendations LXXIX–LXXXIV.
Locke, Vol. I., 11011.
Harrisson. Vol. I., 10717, 10724, 10753.
Clephan, Vol. II., p. 424, c. 1.
Townsend, Vol. II., 18363.

350. Probably, if things remain as they are, in the course of time, by the sheer pressure of a selection of cases by which those will be chosen for "special" teaching who will best respond to it, either the special classes will become classes for the dull and backward, from which the feeble-minded, except possibly those who are of the very highest type, will, by degrees, be excluded; or, as at Leicester, new classes for the backward will be started, and the present classes for the feeble-minded will be continued as a kind of lowest class of all, and will be supplemented to a much larger extent by institutional care of some kind. According to our judgment this "backward" class should remain under the direct control of the education authorities, for the children in them could not be certified; while the children who are or may become certifiable as mentally defective, should fall within the province of the Committee for the Care of the Mentally Defective, who, either directly or by contract with the education authorities, should provide for them.

Manual and industrial training.

351. The drift of opinion favours the extension of manual or industrial training in special schools. Manual and industrial work represent, indeed, the appropriate instrument of an education which is specially concerned with the direct stimulation of the brain through the senses and with the control of movement, and thus ultimately with self-control generally. And on the teaching of children and the training of teachers with this object, Dr. Francis Warner, Dr. Rayner, Dr. Fletcher Beach, and others have given us evidence.

352. The methods which they advocate lead to success in industrial work, within the limits of a certain routine which marks the possibilities that are within the reach of the feeble-minded; and the evidence in favour of manual and industrial work forming a much larger part of their curriculum is conclusive. The code of the Board of Education, as a rule, requires for defective children a minimum of six hours' manual work per week, but apparently great latitude is allowed. In 137 time-tables of special schools it was found that only in fourteen instances did the time given to manual work fall below the six hours; in fifty-three the minimum was exceeded; in some instances even nine or ten hours were devoted to it. In London it is the policy of the Education Committee to give half time instruction in manual work to every defective child above the age of twelve. Dr. Fletcher Beach reported to us as to the London time-table. Manual and industrial training.—*contd.* Appendix Vol. V., p. 168, c. 2. Fletcher Beach, Vol. I., 330, 2.

The senior and junior boys and girls have the same number of hours of reading, writing, arithmetic, object lessons, singing, recitation, prayer and Scripture lessons, and drill, per week, two hours and half being allowed for recreation, but in manual work the number of hours differs. Thus, the senior boys are employed nine hours and the senior girls nine hours and a half per week in laundry-work, cooking, clay modelling, basket-weaving, drawing and brush-work, the boys also doing woodwork and the girls needlework, while the junior boys and girls are only employed seven hours per week. During this time they are instructed in mat-plaiting, kindergarten, sewing, drawing and colouring, clay modelling, paper folding, and drawing. Two hours are devoted by the girls to needlework, the corresponding period of time being utilised by the boys in learning macramé and bead threading.

This time table is evidently the result of a Minute of the Committee of Council on Education, dated February 26th, 1900, which prescribed the conditions to be fulfilled by certified schools for defective and epileptic children. According to this Minute, the time-table provided for instruction in the elements of reading, writing, and arithmetic, singing and recitation, object lessons, drawing, needlework for girls, physical exercises and manual instruction. Not less than six hours of manual instruction must be given weekly to each child. The Minute names the different forms of manual instruction which are to be taught, and includes the subjects already mentioned, and in addition, worsted-work, tailoring, shoemaking, gardening, and farming work, and practical housewifery.

353. In favour of giving half time or more to manual and industrial training, there are many witnesses. Dr. Bevan Lewis's time-table at the Stanley Hall Home shows that writing and reading each are given only for quarter of an hour lessons in the week, with two lessons to counting and two to arithmetic; and the rest of the time is given chiefly to movement, sense, and imitation lessons, and this is often the case elsewhere. Miss Dendy, Honorary Secretary of the Lancashire and Cheshire Association for the Permanent Care of the Feeble-minded, much prefers to make the training of older children, with few exceptions, entirely manual. Dr. Eichholz says: "I should prefer a greater preponderance of manual training than is at present customary in many of the schools." Miss Poole, Secretary of the Metropolitan Association for Befriending Young Servants, says: "I think at least half their work ought to be manual from the beginning." Dr. Odhams, Chairman of the Norwich Elementary Education Committee: "The greater part of their time should be spent in the open air, and manual work of various kinds should be the principal part of the instruction." Dr. Damer Harrisson, Medical Officer of Special Schools at Liverpool: "The teaching of the three R's to a large number of children in special classes is an entire mistake." Dr. Beresford: "Their education should be almost entirely manual." Miss James, Head Mistress of a special school at Liverpool, says:— Bevan Lewis, Vol. II. p. 13. Dendy, Vol. I., 979. Eichholz, Vol. I., 208, c. 1. 3852. Poole, Vol. II., 13615. Odhams, Vol. II., p. 153, c. 1. Harrisson, Vol. I., 10749. Beresford, Vol. I., p. 306, c. 2. Crichton-Brown, Vol. I., 6258 Wilkinson, Vol. II., 12800, 12921.

"I would ask for absolute freedom with regard to the subjects taught, so that if necessary the whole of the training should be through the manual occupations. . . . . I strongly urge that as much time as possible should be given to manual occupations and industrial training, and that, where the medical officer and head teacher agree on this, it should be left entirely in their hands to arrange with the committee that the Code should be so interpreted. At present it says not less than six hours, but it gives so many compulsory things to be taught that it is most difficult to find more time." James, Vol. II., p. 185, c. 2. Coward, Vol. II., 14285-41287.

Mr. Garbutt and Dr. Crowley, on behalf of the Bradford Education Committee, express the opinion that in some cases it would be desirable to teach a definite trade or handicraft to children attending a day school; and Mr. Jones, who is clerk to the Burnley Education Committee, thinks that manual instruction should be given "with a more pronounced view to the future employment and maintenance" of the children; and Dr. Bennett, on behalf of the Leicester Education Committee, says: "For the worst types of children, teaching reading, writing, and arithmetic is a grotesque waste. In the better classes a certain amount is good; but to hear children struggling vainly with head work when they could be well trained in gardening, and so on, is a waste of money." And Mrs. Hume Pinsent defines the position thus: "The education should be manual with classes in the three R's for *those capable of benefiting by such classes.*" Garbutt, Vol. II., p. 122, c. 2. Jones, Vol. II., p. 85, c. 1. Bennett, Vol II., 13877. Pinsent, Vol. II., p. 457, c. 1.

PART III.
THE EDUCATION AUTHORITIES AND MENTALLY DEFECTIVE CHILDREN.

Chapter XVII.
Manual and Industrial Training and the Education of Teachers.

The "scholastic" education for defective children.

354. The burden of the mass of evidence that we have taken on this subject is that, if feeble-minded children are to be usefully employed, and enabled to support themselves to some extent, manual training must form the chief part of their education. It is the proper complement of the Froebel method of training on which they have been taught, so far as they are able to follow it; and if ultimately their education becomes definitely industrial, it may help them in life most effectually. On the other hand, the "scholastic" education remains for those who can acquire it. How far this may be the following summary of notes respecting 100 children over twelve years of age at five centres in London, furnished to us by Mrs. Dickinson Berry, indicates:—

Dickinson Berry, Vol. I., 9323, p. 542, c. 2.

Reading.

(1) Able to read Standard I. book fluently. (Several in this group can read Standard II. or III. books.)—Twenty-five.

(2) Able to read a Standard I. book, but not without considerable stumbling—fifteen.

(3) Able to read easy sentences—twenty-eight.

(4) Able only to read a few easy words—Twenty-seven.

(5) Unable to read at all, or at most, only knowing letters—five.

Arithmetic.

(1) Able to do Standard II. work (these all do multiplication sums and most also division sums)—Twenty-five.

(2) Doing Standard I. arithmetic—twenty-one.

(3) Able to do easy addition and subtraction sums, not up to Standard I. (often the sums are done mechanically and unintelligently)—fifteen.

(4) Able to do very small addition sums, usually with the help of dots or other concrete assistance—seventeen.

(5) Unable to add or subtract at all—twenty-two.

"I think these tables represent nearly, though not quite, the degree of proficiency attained when the children leave school. Those in Groups 1 and 2, *i.e.*, 40 per cent. of the whole, have learnt enough reading to be of use to them; in the case of the remaining 60 per cent. the reading they have attained to is not enough to be of much value."

"As regards arithmetic, the children in Groups 1 and 2 showed no marked deficiency in powers of calculation. Those in Group 3 were slow in their answers, but could do addition and subtraction of small numbers mentally. These figures are taken from the examination of but a few centres, and I do not claim that they do more than approximately represent the general results."

Dickinson Berry, Vol. I., 9323, p. 542, col. 2.

355. Mrs. Dickinson Berry proceeds: "As to what becomes of the children educated in the special schools, Dr. Kerr has already gone into this subject at length and given, among others, some figures drawn up by myself. The net result appears to be that we have turned out from our special schools (1) a large number of persons who are unable to earn their own living and who may practically be classed as imbeciles, (2) a still larger number who swell the ranks of inefficient and poorly paid workers, and (3) a small minority who become self-supporting and useful members of society. The majority of all these will have descendants who will tend to perpetuate their characteristics."

We thus have evidence that 25 per cent. read Standard I. book fluently; and the same number "do multiplication sums and most of them also division sums." Those in Groups 1 and 2, or about 47 per cent., learn enough reading to be of use to them.

Dickinson Berry, Vol. I., 9356.

"Those in (2) have," Mrs. Dickinson Berry states, "a certain benefit; for instance, they would be able, if they were errand boys, to read the names of streets or possibly make out addresses, but as to reading to themselves with advantage I do not suppose they could do that. I think the amount of reading they learn would be a certain amount of use to them in work, but I think to those in (3), (4), and (5), it would be of no use."

Plainly for the greater number of children, all but a fourth, reading and arithmetic as an instrument of advance in life can be counted on but little. At best they remain at Standard I. or II. The fourth profit greatly.

The Training of Teachers.

356. This appears to define the proportion and relation of "scholastic" teaching to manual and industrial teaching in the education of feeble-minded children. But the evidence not only indicates the kind of teaching that is required for defective children, it indicates also in part what should be the training of the teacher. Kindergarten teaching and manual or industrial training have to predominate; and the teachers must be able to provide these. The Board of Education requires

Eichholz, Vol. II., p. 207, c. 2.

"That the schools should be staffed by teachers who must in the case of head teachers possess the Government Elementary Teacher's Certificate or the Higher Certificate of the National Froebel Union; and in the case of assistant teachers must possess at least the Code qualification of 'Uncertificated' Teachers, or the Elementary Froebel Certificate."

357. Thus ex-pupil teachers who have not obtained their certificate are recognised as assistant teachers of the mentally defective, as are also holders of the junior Froebel Certificate; but teachers without any qualification are not recognised. Most of the witnesses were in favour of special training, some in the methods of Froebel, some in a home or asylum for mental defectives, such, for instance, as the Royal Albert Asylum. A teacher who was questioned on the subject, judging from her own experience, suggested, first, college training on Froebelian lines; then for a period training in the education of normal children; then, concurrently with the teaching of defective children, attendance at classes and lectures, practical classes which would include the actual lessons in articulation, breathing exercises, etc., and general lectures on scientific method and theory. And a scheme of this kind commends itself to us. But we would suggest that the Regulations of the Board of Education on this head might be amended and amplified, so that the conditions of training may be defined, and at the same time relaxed, and in addition to the minimum certificate now required—the Elementary Froebel Certificate—certain institutions and special schools may be registered as recognised places of teaching. Under our scheme all arrangements for the care and training of the mentally defective come under the Board of Control, and this body would therefore in future make regulations in this connection instead of the Board of Education. We think, also, that either the head teachers should have special certificates for ability to teach manual or industrial work of a kind recognised as likely to be useful to the elder children on leaving school, or that teachers who are particularly well qualified in this way, though they may not hold the Kindergarten Certificate, or, indeed, other certificates, should be employed in the school for the purpose of conducting manual classes. There might also, we think, be a further division in the teaching staff. Mrs. Hume Pinsent points out that day nurseries or classes for the lower grade of defectives could be provided "more cheaply than is at present possible under the requirements of the Education Department as regards staff and buildings." Mrs. Owen Fleming thinks that in teaching the lowest classes of defectives, when it is only a question of keeping them employed, and not of making them self-supporting, certificated teachers are not necessary, though she believes that the task requires very special capacity on the part of the teacher.

The Training of Teachers.—*contd.*

Gavin, Vol. II., 13236-13245, 13308.

Eichholz, Vol. I., p. 207, c. 2.
Anderson, Vol. II., 15521, 15522.

Recommendation LXXIV.

Pinsent, Vol. II., p. 457, col. 1, also 19166 and 19167.

Owen Fleming, Vol. II., 15833-15836.

We should like to point out that some of the best teaching we have seen both in England and in America has been done by teachers who have been trained in institutions, for example the Starcross Asylum, where the assistant teachers are taken into the institution when quite young and trained by the matron and head teacher. The results at Starcross, both literary and industrial, are quite as satisfactory, if not more so, than any attained by certificated teachers employed under the present regulations of the Board of Education.

358. Dr. Ethel Williams' experience in Newcastle is of interest; she makes the following statement:—

Williams, Vol. II., p. 285, cols. 1 and 2.

"Our staff consists of a head and three assistants. Only the head had any special training. She was sent on a six weeks' visit to London before the school opened, and saw the work being done there. All have thrown themselves into the work with great enthusiasm. I think our staff has been exceptional, and for that reason we have suffered but little from the lack of special training, though I should consider this, as a general rule, essential. Special courses of lectures on physiology and psychology, with special reference to mental defects and mental development, would be very helpful to them, would tend to keep up their enthusiasm and to prepare candidates for future posts."

She admitted that popular opinion made everyone inclined to say that special training was required. Her long experience on the education committee had enabled her to choose the right kind of teachers for special schools. If she found that other people's experience had given them a similar advantage in the choice of teachers, she would modify her opinion as to the need of special training. She thinks that teacher's training of some kind is a necessity for special classes, but believes that "nous" and capacity are more important than special training. For the hopeless, unimprovable cases, she would suggest "housework and rough cleaning and that kind of thing." She believes that the employment of a kindly competent woman "who could teach them household matters" would lead to economy. This plan has been tried in Birmingham, where capable and intelligent women have been engaged to teach simple forms of manual work to children of such a low grade as to be incapable of obtaining benefit from instruction in the three R's, or whose education should *begin* with a

Williams, Vol. II., 15861-15865.

Williams, Vol. II., 15958.

Williams, Vol. II., 16004-16006.

The Training of Teachers—*contd.*

training in the use of their fingers. These women, who were not teachers, were given a probationary period of six to nine months, during which they worked in the Birmingham Special Schools, and picked up methods of discipline and class management, and a knowledge of the kind of manual work considered best for feeble-minded children. In the opinion of the Birmingham Special Schools Committee this experiment has been decidedly successful, and it has resulted in a considerable saving of expenditure. The employment of teachers of this class would be rendered impossible if, as we understand, the Board of Education are likely in future to require them to sign a statement to the effect that it is their intention to enter for the Preliminary Examination for the Certificate. It is long since they have left school, and it can hardly be expected that they would resume their studies with a view to taking a Preliminary Examination. Nor indeed would these studies conduce to efficiency in teaching low grade children how to knit or net, how to thread beads or to sew, or how to cook and do simple household work.

Recommendation LXXIV

With these views we agree, and we conclude that local authorities should have a free hand in this matter. We think that there might be a class of attendant teachers, whose services in many instances would suffice both in the lower grade cases and, to a certain extent, in the cases of the quite young children who require the supervision of a nurse combined with the aid of a teacher.

CHAPTER XVIII.

Combined Defects.

62 & 63 Vict. (1899), c. 32, Sec. I. (1).

359. Cases of combined defect, though not very numerous, cause much difficulty in the classes, and there is a general desire that special arrangements should be made for them. By the definition of epileptics in the Elementary Education (Epileptic and Defective Children) Act, 1899, epileptics who are also idiot or imbecile are excluded from the benefit of the Act. The greater affliction governs the lesser, and the provision required for idiots or imbeciles who are epileptic must rather be supplied as suitable to them on the ground of their suffering from idiocy or imbecility than on account of their suffering from epilepsy. In the corresponding Act, the Elementary Education (Blind and Deaf Children) Act, 1893, blind and deaf children who are suffering from idiocy or imbecility are also excluded. But apparently it was considered that the combination of epilepsy or blindness, or deaf-mutism, with the higher grade of mental defect such as feeble-mindedness, was not ground for exclusion from schools or classes for the epileptic, or the blind, or the deaf. The same principle has been applied to cripples who, if they are incapable of receiving benefit on account of physical defect, that is, if they are practically idiot or imbecile, are excluded under the Elementary Education (Defective and Epileptic Children) Act of 1899, but, if they are "defective" only, that is, capable of receiving "special school" instruction, they are not excluded. Feeble-mindedness, in fact, has been considered relatively to epilepsy, blindness and deafness of less importance, and epileptic, blind, or deaf children, who were feeble-minded, were allowed to be educated with the normal epileptic, blind or deaf children. But in the case of their suffering from any greater degree of mental defect, they were not allowed. The evidence now appears to show that this difference can no longer be maintained, and that educational classification should be still further extended; for, feeble-mindedness is a greater affliction than blindness, or deafness, or crippling, and should govern the method of education when these defects are combined with it.

56 & 57 Vict. (1893), c. 42, Sec. II. (2).

From this there follows a demand for accommodation for the education of these cases of two-fold defect in other than special classes for the blind, deaf and dumb, and crippled.

360. The numbers of blind and mentally defective and of deaf and mentally defective do not appear to be very great, and it is probable that one or two large institutions would be sufficient for the whole country. The cripple and mentally defective are much more numerous, but owing to the large number of paralytics among them, few of these are capable of much improvement, though greatly in need of care and treatment. With regard to imbecile, idiotic, and feeble-minded epileptics, there seems no reason why they should not be dealt with in the same institutions as other feeble-minded imbecile and idiotic cases, provided such institutions provide facilities for the adequate grading of all degrees of mental deficiency.

Whitwell, Vol. II., 12556–12557. Dendy, Vol. I., 862. Passmore, Vol. II., 20048, p. 534, c. 1. Rotherham, Vol. I., p. 509, c. 1. Allbutt, Vol. I., 9182. Down, Vol. I., p. 538. Stainsby, Vol. II., p. 269, col. 2.

361. At present there is only one institution in the country for blind and mentally defective children. This is Stormont House, and has been established by the London County Council. Mr. Stainsby, Secretary of the Institution for the Blind, Birmingham, referred to the Report of a Conference for the Welfare of the Blind (1902), which obtained statistics and opinions on the subject of defective blind children. There was some difference of opinion as to the advisability of special institutions for these children, but as it appeared that most blind institutions either refused to accept mentally deficient cases, or discharged them after a period of trial, the need for a special institution for such children became apparent. The Committee say that :—

Blind and Mentally Defective or Epileptic. Stainsby, Vol. II., p. 269, c. 1. Eichholz, Vol. I., p. 208, col. 1. Townsend, Vol. I., p. 224. Stainsby, Vol. II., p. 274–275. 15667, 15671.

"Considering the peculiar difficulties of these cases, and the hardship that at present arises from the want of provision for them, the Committee are of opinion that, in spite of the great care bestowed on this class in those institutions for the blind, in which they are now sometimes admitted, there is at the present time the great need for the creation of a special institution for defective blind children, available for school authorities throughout England and Wales."

Stainsby, Vol. II., p. 275, c. 1.

362. This Committee estimates that there are about 160 such children in England and Wales. It has followed the definition of the phrase "defective children" as given in the Elementary Education (Defective and Epileptic Children) Act, and has, therefore, taken no account of blind children who are idiotic, or imbecile. But Mr. Stainsby draws attention to their need. "They are," he says, "refused admission into schools for the blind, whether day or residential, and so far as he is aware, are entirely unprovided for, being either at large or in workhouses. As a class they are untrained, unprotected, and uncontrolled." Further, he would, he says, remove such children compulsorily from their parents, but does not anticipate much difficulty on this head. In the case of the blind, where such compulsory powers exist, they have seldom had to be put into operation. He prefers the block to the cottage system for the purposes of administration. He thinks one or two institutions would be enough for the whole country.

Stainsby, Vol. II., p. 274, col. 1., 15632 15637. Stainsby, Vol. II., p. 270, col. 1. 15604. 15607. 15609. Stainsby, Vol. II., p. 270, col. 1. 15614–15620. 15609.

363. These conclusions are confirmed by the statistics collected by Mrs. Hume Pinsent for the Birmingham Education Committee, from which it appears that only seven feeble-minded and blind children were found out of a total of 1,033 defectives of all descriptions. Miss Dendy says the numbers of blind and deaf feeble-minded are not large, and agrees that one institution for the whole country would probably be sufficient. Mrs. Burgwin estimates in London there are about thirty cases of school age of mentally defective blind. She thinks that these cases will be improved by training, but that few, if any, will be able to maintain themselves entirely, and will, therefore, need permanent institution care. Dr. Tredgold, and Mr. Illingworth, Superintendent of the Blind Asylum, Manchester, think that special institutions should be provided for blind epileptic children, as they cannot have sufficient care in ordinary blind schools, and the disturbance occasioned by the fits is detrimental to the other inmates.

Pinsent, Vol. II., p. 456, col. 1. Dendy, Vol. I., 862. Burgwin, Vol. I., p. 483, col. 2. Tredgold, Vol. I., p. 401, col. 1. Illingworth, Vol. II., p. 276, col. 1.

364. Mr. Barnes, who gave evidence on behalf of the National Association of Teachers of the Deaf, gives particulars of 4,000 deaf mutes, and states that very nearly 6 per cent. are feeble-minded. He agrees with Dr. Elliott, of Margate, and other heads of institutions that 5 to 6 per cent. represents the percentage of feeble-minded among deaf mutes. In London there are from fifty to sixty such children.

Deaf and Mentally Defective or Epileptic. Barnes, Vol. II., p. 511.

Pinsent, Vol. II., p. 456, col. 2.

Mrs. Hume Pinsent gives the number of feeble-minded deaf children in Birmingham as five, out of a total of seventy-nine deaf-mutes.

Turner, Vol. I., p. 503, cols. 1 and 2.

Miss Turner, quoting Dr. Thornton of the Deaf and Dumb Asylum, Margate, says :—

"Out of 909 children under his care he found sixty-five (7 per cent.) markedly deficient; 302 (33 per cent.) 'intermediate' (*i.e.*, backward, if not slightly deficient); and 542 (60 per cent.) normal. This percentage is seen to be particularly high when it is remembered that feeble-minded deaf mutes are strictly not eligible for this Home, and those here mentioned as feeble-minded were admitted unintentionally.

At present, Mr. Barnes thinks that the majority of feeble-minded deaf children are accepted by the institutions for the deaf, but that after trial some are excluded as being unsuitable for treatment with normal deaf children. He considers that education authorities should be obliged to provide separately for feeble-minded deaf children. He says that :—

Barnes, Vol. II., p. 511, c. 2; & 512, c. 1.

"The retention of feeble-minded deaf children in ordinary schools for the deaf has been proved to be unsatisfactory; they either retard the progress of the rest of the class, or their own progress is retarded for lack of more individual attention. They should be placed in special residential schools, or in special departments attached to existing institutions for the deaf, where various methods of instruction suited to the mental capacity of each individual child might be adopted." He also says that :—

"The following resolutions were adopted at the Biennial Conference of the National Association of Teachers of the Deaf, at Norwich, in August, 1905 :—

"(1) That the presence of defective deaf mutes in our schools militating against their best interests, and the best interests of the normal pupils, special pupils, special residential schools should be provided, into which could be drafted defective deaf children from all parts of the kingdom.

"(2) That powers should be granted by legislation for committing feeble-minded deaf, who are eventually found incapable of self-support, or are not under proper control, to permanent care in an industrial home or colony."

Eichholz, Vol. I., p. 208, col. 1.
Burgwin, Vol. I., p. 484.

A school for mentally defective deaf mutes has been established by the London Education Committee at Homerton. It is the only school for such children in England. The accommodation in it is insufficient for London alone.

Crippled and Mentally Defective or Epileptic.

365. Mr. Baldwyn Fleming thinks that counties should combine for the purpose of establishing institutions in which feeble-minded cripples could receive special medical and mental training. He would like one authority to deal with all defectives, including those suffering from combined defects.

Baldwyn Fleming, Vol. I., 2143, 2270–2274.

Alderman Buckle says that in Leeds :—

Buckle, Vol. II., p. 543, col. 1.

"There are eight known epileptic and mentally defective children in the city, two epileptic and physically defective children, and eleven mentally and physically defective children for whom no type of school is available.

Pinsent, Vol. II., p 456, col. 2.

And Mrs. Hume Pinsent gives the number of feeble-minded cripples for Birmingham as thirty-eight, and states that some of these are capable of improvement.

Dendy, Vol. I., 862.

But, there and elsewhere, many of these crippled children, as they are called, are really paralytic. They "want nursing and they cannot be properly treated in an institution for other children." In London, this change has begun. The Education Committee have decided not to admit to the cripple schools cripple or invalid children who are also mentally defective, but are about to arrange that, "where possible, children suffering from the double affliction shall be taught at schools for the mentally defective, whither they are to be taken by the ambulance." It is very doubtful, however, whether these cases should not be considered either as "Home" cases for whom, indeed, but little can be done, or removed entirely, if circumstances require it, to some separate quarter of an industrial colony, such as Darenth.

Lawrence, Vol. I., p. 421, col. 1.

Lewis, Vol. II., p. 12, col. 2.

Imbecile or Idiot or Feeble-minded and Epileptic.

366. The difficulties of dealing with epileptic idiots and imbeciles have been pointed out forcibly. There are no institutions in the country which undertake to deal with this particular combination of defects. The idiot asylums, with the exception of the Eastern Counties Asylum, refuse to admit epileptic idiots. Again, the epileptic colonies refuse imbecile or idiotic cases.

Fleming, Vol. I., 2199.

Many witnesses point out that these cases might be dealt with in carefully graded colonies which would receive all types of defective children who could be classified in various departments, one of which should be an infirmary for paralysed, epileptic, and hopeless or degraded cases. Dr. Langdon Down, Licensee of Normansfield, a house registered under the Idiots Act, 1886, says :—

Dendy, Vol. I, 861, 863, 988.
Wills, Vol. II., p. 222, col. 1.
Brookes, Vol. II., 12103–12104.
Buckle, Vol. II., p. 543, col. 1.
Rotherham, Vol. I., p. 509, cols. 1 and 2.
Albutt, Vol. I., 9182.
Rudolf, Vol. II., p. 119, col. 1.
Down, Vol. I., p. 537, cols. 1 and 2.
Passmore, Vol. II., 20048, p. 533, c. 2.
Down, Vol. I., p. 537,
McCallum, Vol. II., 12213–12244.
Whitwell, Vol. II., 12556–12557.
Browne, Vol. I., p. 332, col. 1.

"It is more important that normal epileptics should be dissociated from mental defectives than that mental defectives should be dissociated from cases suffering from epilepsy. It seems better, therefore, in any scheme to consider the epileptic feeble-minded in connection with the mentally defective rather than in connection with the epileptics of normal mental development.

"On the other hand, the epilepsy is rather a concomitant than the prime factor in the other group, and can be dealt with by classification within the group. It may be said that, owing to their defect, the defectives are not greatly affected by the presence of epileptics, particularly the lower grades."

Dr. McCallum, Physician to the Epileptic Colony at Starnthwaite, has expressed a similar view, namely that epileptic imbeciles might be classed with ordinary imbeciles and might be treated together in institutions such as the Royal Albert Asylum. Dr. J. R. Whitwell, Medical Superintendent of Suffolk County Asylum, agrees with this and also Sir James Crichton-Brown, who says :—

"There is no necessity for difference in the treatment of epileptic idiots and imbeciles from that of other idiots and imbeciles, except that, having regard to the dangers attending their seizures, they require vigilant supervision day and night. Idiot establishments and asylums are therefore best adapted to their treatment. A large number of affluent epileptic idiots and imbeciles are in idiot establishments which do not refuse paying patients of this class or in asylums."

Further, he points out that, although some of the idiot establishments nominally refuse epileptic cases, yet epileptics are to be found in all of them.

For the maintenance of these persons arrangements of many kinds might, no doubt, be made by committees for the care and control of mentally defective persons. If they are idiotic, imbecile or feeble-minded the committees would have to assure themselves that they are properly provided for, or they would themselves have to provide for them. Dr. Tredgold says : "Feeble-mindedness accompanied by anything but the most occasional epilepsy is not worth the expense of training." Towards them, the public duty can consist of little more than supplying the means of medical care in a home that is more infirmary than school. And the numbers are so small that in most cases this duty will best be carried out by providing a small department for them in an institution established mainly for other types of defect.

Tredgold, Vol. I., p. 401, col. 1.

CHAPTER XIX.

Conclusions and Recommendations.

Conclusions.

367. We have seen that the number of defective or feeble-minded children is considerable both in town and country, and that where the special schools or classes have been established a distinct advance has been made, both in the study of the question and in a knowledge of the conditions and limitations under which education of any effectual kind is in their case feasible, but that no system has come into existence for providing for the permanent needs of mentally defective children. Where there are no special classes, that is, in most places, there is not any centre at all for dealing with these children in any suitable manner ; and there, all, or nearly all, of them require immediate attention, care or education. To ascertain the number of the children and to institute the organisation necessary for their education and training, supervision or segregation, it is recommended that the system of registration now in force in regard to school children be turned to account and be made the foundation of notes and records which would be of the greatest help in caring for them directly or indirectly throughout life. Notification from public authorities and private homes would be required by statute ; but there would otherwise be no compulsory notification, except in regard to patients received for profit.

Recommendations LV.–LVII., LXXV.

Where there are at present no special schools or classes, the Committee for the Care and Control of Mentally Defective Persons, may, subject to the approval and regulations of the Board of Control, intervene to make such provision in connection with education authorities, or directly, as it may think best. Where there are special schools or classes, these would as in other cases,

Recommendation LXXXI.

Conclusions—*contd.*

serve for purposes of observation as well as for teaching and training. As far as possible only mentally defective persons would be admitted to the classes, but there would be a margin allowed for the admission of children, of whom it was doubtful whether they should be considered mentally defective or placed in the "backward" class. Mentally defective children, and children who are on "probation" in the special classes would be a charge on the Committee for the care of the mentally defective. Dull and backward children would be a charge on the education authorities.

Recommendation LXXXII.

Recommendation XLII.

Arrangements between the Committee for the Care and Control of Mentally Defective Persons and the education and other authorities, voluntary agencies, or private persons might, subject to approval by the Board of Control, be of the most diverse description according to the needs of the different cases.

Recommendation XXVIII.

The difficulties of transferring children, when they leave school, from one authority to another are according to our suggestions met by the proposal that there should be one authority seised with the responsibility of caring for the child, as suffering from mental defect, not only during childhood, but, as far as need be, throughout its life. Instead of regulations as to detention there would be up to twenty-one a system of wardship and supervision, with at twenty-one, if need be, prolonged control or care under sufficient safeguards.

Recommendations XLIX–LI.

368. Another point was raised and much discussed with witnesses. It was whether the education authority should be the authority in charge of mentally defective children. As we have stated, we have, so far as it rests with us, decided this point in the negative, partly for the reasons we have just given. A single and continuous control over the child seems to us indispensable; and, by its very nature, as the educator of children and not the supervisor of adults, the education authority could not exercise this control. In the case of other afflicted children, the blind and the deaf, school time suffices for education; in the case of mentally defective children the special school or class represents but part of the education, and sometimes, indeed, the child is unfitted for any "special school" education at all. He has primarily to be treated as mentally defective, and then, subject to the limits of mental defect, as educable to a certain point. It is not, as in the case of the blind or deaf, that one faculty only is wanting. All his faculties are by reason of the mental defect reduced to a lower, or less than normal, standard. And just as the Poor Law, established for the care of the poor and destitute, is unsuitable for the care of the mentally defective, so the educational system of the country, established for the teaching of the normal child is, in our opinion, unsuitable for the child, who, unlike the blind and the deaf, can never reach the mental level of the normal. Also it is evident that the development of the institutional and other arrangements required for this class would lead education into a department of work largely foreign to it. Such extraneous questions, from the educational point of view, are those of wardship and custody, and questions of the establishment and use of institutions in the nature of farm colonies, of industrial homes, of homes of care and control, besides asylums of several kinds, questions which have to be settled in relation to the mentally defective generally, irrespective of the question of age; for it is only by taking care of children, who are mentally defective in various ways and degrees, as part of a common problem, that it becomes possible to provide for them systematically or adequately either during childhood or later. On these grounds it seemed to us indispensable that a new authority should be established for the care and control of this class, and that it should be responsible both for children and for adults.

Recommendations I, XXVIII.

PART IV.

MENTAL DEFECT AND CRIME.

CHAPTER XX.

The Mentally Defective in Prisons, Casual Wards, and Common Lodging-Houses.

Mental defect in relation to criminality in life.

369. We have now to trace the mentally defective from the schools to the institutions, in which, if not cared for, they are found in later life. The population of mentally defective persons is homogeneous, a population of persons of undeveloped brain who can usually be trained only within certain narrow limits and of persons whose mental force has been so gravely impaired that they are unable to manage themselves or their affairs. The after-school life of many of these persons in prisons, workhouses and casual wards, common lodging-houses and shelters, we have to consider. The problem which they represent is ably stated by Dr. Scott, who is now attached to Brixton Prison—the London House of Detention for males—where there are many young prisoners.

Scott, Vol. I., p. 276, c. 1.

"During the last nine years, during which I have been connected with the London Houses of Detention (both for males and females), I have had to pay special attention to the state of mind of the prisoners, in order to furnish reports to the magistrates and to give evidence at sessions, assizes, etc. In making the examination necessary for these purposes I have had to deal with many feeble-minded persons, who could not be certified as insane, but who could not fairly be held fully responsible for their misdeeds. These form a fairly large class, and are a cause of great trouble and anxiety to those who have to deal with them. Many of them, in their youth, have not been kept under any control by their parents. Frequently little attempt has been made to educate them, as they are undesirable in the ordinary schools and classes, and special schools or classes are comparatively few in number. When they come to the working age, their mental defect stands very much in the way of their getting employment. They are only fit for unskilled labour, and most of them are so wanting in the power of continued application that they soon leave of their own accord, if not previously dismissed for stupidity. They are greatly wanting in initiative, and are easily influenced by others. Their moral sense is very defective, and they have little self-control or power to resist temptation when it comes in their way. They are frequently in trouble for breaking the law, and it is difficult to know what to do with them. The Judicial Authorities do not like to treat them as fully responsible, or to punish them severely. If they are sent to prison, it is usually for short periods only, so they soon return to their mischievous ways again. They are not amenable to penal discipline, and require to be treated differently from the other prisoners. When they break the rules, they cannot be adequately punished. This is rather subversive of good discipline in a penal institution. Punishment has little effect upon them. Reforming influences also fail with them usually. As they have very little self-respect, and home ties, if they have any, do not weigh much with them, they do not fear coming to prison. Indeed, to many of them prison is rather a harbour of refuge, as they are spared the trouble of thinking how to get food and lodging.

"When they are at liberty, their friends do not usually welcome them, and they are quite unfit to compete with better endowed individuals in the struggle for existence. It is not at all uncommon for them to break windows, or commit a petty theft, in order to get back to prison again. They are thus a cause of great expense to the country, with little, if any, improvement to their moral natures, and without the public being adequately protected against their depredations. By their proneness to commit larceny, arson, indecent assaults on children, etc., they are a constant source of annoyance, expense and danger. Many of them are quite unfit, if left to themselves, to lead decent, inoffensive lives; they require care and discipline. It is also important to consider from the point of view of the improvement of the race, if any means can be taken to prevent these 'undesirables' from producing their like."

Mental defect in relation to criminality in life—*contd.*

370. In dealing with this part of our subject, we propose first to set out some of the evidence in favour of the detention or segregation of the mentally defective who are unable to take care of themselves and have no friend to take care of them and control them. We will then draw attention to the exceedingly unsatisfactory conditions under which feeble-minded children are remanded and discharged, and juvenile offenders who are feeble-minded are sentenced for short periods and discharged on the expiry of the period. We will point out how injurious the existing system is to adult prisoners, male and female, in the local prisons both in the Metropolis and throughout the country generally, and how, against the wishes of the Prison Commission, it leads to the discharge from convict prisons of persons who, on account of mental defect, are quite unfit for liberation. We will then describe the labour colony which the Prison Commission have established at Parkhurst for feeble-minded prisoners, and suggest the necessity of an extension of the law so as to include cases of mental defect, which do not now come within the terms of the Lunacy Act of 1890, and we will propose measures for an alteration in the methods of discharge and in the procedure for submitting to the courts information in regard to mentally defective persons who have been committed to local or convict prisons. Lastly, we would submit notes taken from the reports of the Medical Investigators in regard to members of the criminal feeble-minded class, as they have found them at large and in casual wards, shelters and elsewhere. We may thus present a view of this class, in relation to criminality, at different periods of life and in different parts of the country.

Segregation and detention in after-school life.

371. In favour of segregation or detention in a large number of cases of mental defect after the period of childhood, the evidence is unanimous. At present, on the commission of an offence recognised by the law, the mentally defective person may be committed and detained in prison. But this detention is usually for very short periods; and it is usually detention of the wrong kind, being neither preventive nor reformatory. It has relation to the fact that an offence has been committed. It has no relation to the fact that a mentally deficient person committed the offence; and detention for punishment and detention for mental defect are two procedures not merely different but in a large degree incompatible. For want of better means, we have, indeed, been using prison methods, much as we have been using Poor Law methods, for mentally defective persons. In the one case these persons commit offences, and though not normally responsible, are detained in prison. In the other case these persons fall into destitution, and though not normally responsible for their self-support, are maintained in workhouses.

The Argument for Segregation.

The general evidence in favour of segregation and detention in the case of the mentally defective.

372. First, then, we will indicate how very strong is the evidence for segregation or detention of the right kind, which substantiates and supports the summary of facts which Dr. Scott has submitted to us. This is, indeed, the main issue, on which depends not only the argument which we have to use in this chapter in regard to feeble-minded prisoners, but the general demand for the better care of the mentally defective as a class. We have seen the nature of this demand in the case of the mentally defective now maintained in connection with the Poor Law, and in the case of children educated in special schools and classes; and as the control of feeble-minded criminals is a matter of extreme importance, we have thought it well to resume the general evidence here as a kind of preface to the statements of detail that follow.

373. Miss Dendy, Honorary Secretary of the Lancashire and Cheshire Association for the Permanent Care of the Feeble-minded, referring to the bad results of leaving feeble-minded children at large after the age of sixteen, thus describes the transition from school days and school control to freedom and irresponsibility.

Dendy, Vol. I. 840.

"Everybody who has either been a medical man amongst the poor, who has been a Poor Law guardian, or who knows the poor in their own homes, knows how horribly disastrous the results are of leaving these poor souls at large. Anybody can make them do anything. For instance, you get a boy who in school is not doing anything very bad, his master can manage him, he is amenable to discipline. His father brings him to you and says: 'My boy is always getting me into trouble, he will steal anything.' This is only one case amongst very many; I had such a little chap brought to me and he was quite proud to tell me how he did the stealing. He stole toffee and stole a diamond ring; but never had any good of anything he had taken. He had only been the scapegoat, he had passed the stolen goods on at once. Undoubtedly as soon as he was big enough to be considered a man, he would be convicted for some theft like that. I have cut from the newspapers at different times cases in which we have found feeble-minded boys concerned in train-wrecking. In each case the feeble-minded boy has been used by the sane boys to do the actual mischief, and of course he has been the one caught and the one punished."

Mr. A. A. Allen, the Chairman of the Special Schools Committee of the London County Council, was asked the following question :— The general evidence in favour of segregation and detention in the case of the mentally defective—*contd.*

"Among the reasons why you have not made any considerable advance in providing residential schools for the feeble-minded, you stated that you did not know what course would be taken ultimately with regard to that; have you any suggestion to make with regard to that provision—what provision do you think ought to be made?"

He replied :— Allen, Vol. I., 7589.

"I think that probably the bulk of the children who would go to the custodial Homes—that is the worst class of mentally defective children—probably never ought to go out into the world at all; they ought on leaving the school to be drafted into colonies where they will live without going into the world at all. The custodial Homes would take the worst class of child with whom there is no real prospect of any great improvement, and who will always be a danger to themselves and the community if they are let out into the world."

This view is shared by managers of Voluntary Homes (*see* Chap. XXVI), and of Idiot Asylums (Chap. XXV) in regard to a large number of feeble-minded cases.

374. Dr. Mott, Director of the Pathological Laboratory of the London County Council Asylums, considering the question of detention from the point of view of the reception and discharge of patients at the London asylums, mentions the following among other cases as illustrative of the feeble-mindedness and criminality of young persons who are temporarily detained in asylums :— Mott, Vol. I, p. 458, c. 1.

"*Reg. No.* 14037. Age, 16. Admitted 11-3-04. Mania : Moral insanity. Defective. Criminal type. Third Standard Board School, left at thirteen. Father states he took a shovelful of live coal and asked the baby to pour paraffin on it. He has behaved indecently towards his little sister. Fits from eighteen months till twelve years of age, none since. He is one of fourteen children; eight having died of some brain trouble or another; three were still-born. No insanity in family. After leaving school he was a van boy, but was unable to keep the job, and, having no character, was prevented from getting another.

"*Reg. No.* 13958. Age, 15. Admitted 25-11-03. Labourer. Destructive—dirty—delusional and bad habits—a dull, aimless-looking youth. A brother aged eighteen has fits. Patient has had fits since an infant. Diagnosis, melancholia. Discharged May 6th, 1904. A letter was received from him, very illiterate, but complaining that he was *unable to get work* and that they *knocked him about at home.*

"*Reg. No.* 13975. Age, 14. Admitted 11-12-03. *Imbecile from birth, due to injury.* No heredity, no epilepsy, or paresis. Sent to asylum because he was violent and threatened to kill his little sister. Mother, thirteen children, all living except one, and all healthy except patient. Discharged to care of his father. 6-5-04.

Such persons will always be, as Mr. Allen states, "a danger to themselves and the community if they are let out into the world." Allen, Vol. I., 7589.

375. Dr. Ashby, Medical Officer of the Manchester Special Schools, thought that, without doubt, "this large, unguarded and unprotected class" of "idiot and imbecile children and older people for whom no supervision exists, and who are not under any kind of discipline or control," "tend to an increase of the criminal and immoral classes," "as well as, of course, of the pauper classes." And Dr. Whitwell, Medical Superintendent of Suffolk County Asylum, speaking of the feeble-minded, "who were capable of a considerable degree of education, both intellectual and moral," said that "they were usually retained at home, until after puberty at least; and the natural and physical evolution taking place at that time, but on a lower plane, in the absence of intellectual control, and accompanied by defective education, was apt to result in acts of theft, cruelty, incendiarism, homicide and various offences of a sexual or perverted sexual nature. Experience seemed to show that the degree of education possible in this class was an element that might, under proper care, be made use of as a factor worthy of consideration in providing for them on economical lines. But under existing conditions education, on the usual lines, amongst other children, and associated with them, was so entirely erroneous as to result in their spending their lives alternately in the prison, the workhouse, and the asylum—an outcast from each." Ashby, Vol. I., 10114, 10116. Whitwell, Vol. II., p. 95, c. 1.

376. Referring similarly to the factors relating to the development of mental defect, Dr. Hubert Bond, the Medical Superintendent of the County of London Colony for Insane Epileptics, drew attention to :— Bond, Vol. I., p. 466, c. 1.

"(*a*) *Certain age periods* (notably puberty and adolescence) affecting the sexes equally, and in almost every person causing a recognised amount of disturbance, and (*b*) *Certain cataclysms* in a woman's normal life-history (pregnancy, child-bearing and suckling). All may be looked upon as examples of normal stress, which, encountered by a healthily constituted organism, will be successfully weathered, but, acting in the presence of the inherent factors already discussed or upon a brain congenitally defective, they are very frequently the means of precipitating insanity, epilepsy or other neuroses.

"Their special relation to the classes under inquiry is as follows :—

"(i.) A feeble-minded child having left school is launched on society, and is set the task of earning a living. Its mental and physical disabilities severely handicap it, and

The general evidence in favour of segregation and detention in the case of the mentally defective—*contd.*

make an equal competition with its more fortunate associates impossible, and when the further stress of the adolescent period supervenes, small wonder that a break-down occurs and that the youth is certified as insane. His admission to the asylum is not on account of his congenital feeble-mindedness, but for the added symptoms of—most commonly—an attack of adolescent acute mania. From the latter he recovers and, as the law stands, has to be discharged "as recovered"—recovered, that is, from the maniacal attack—and is returned to society, still a feeble-minded case; to break down again, and even a third time, before the adolescent period is complete; to subsequently marry and add to the number of the mentally defective or epileptic, and if a woman, to probably again visit the asylum under the stress of the cataclysms of pregnancy, child-bearing or suckling.

"(ii.) The relation of certain ages to the onset of epilepsy is very striking; eleven, twelve, thirteen and fourteen (corresponding to puberty) are ages at which the fits first appear in a large number of cases, or re-appear after being in abeyance since perhaps an isolated few in very early childhood. Again between eighteen and twenty-two (corresponding to the period during which adolescence presses most severely) there appears to be another special incidence, though in this case there are frequently other factors, *e.g.*, alcholic and sexual excesses, beginning to exert their influence. In these cases a history very commonly related is that shortly after the commencement of sexual indulgence or shortly after getting married the first fit appeared; as already indicated, in some cases the marriage is entered upon in the mischievous hope that it will bring about a cessation of fits. In the case of epilepsy which has made its appearance earlier in life, as described above, also in regard to feeble-mindedness, the stress of the adolescent period becomes doubly fateful when in conjunction with worry, chagrin and other mental stress, the result of the youth being unable, by reason of his fits, to retain any employment long. He finds himself tossed about from one employer or employment to another, and of necessity often out of work, roaming the streets or loitering at bars. That such ones become insane, drunken, or criminal cannot be wondered at."

Chance, Vol. II, 14017.

377. This view was confirmed by Sir Wm. Chance, speaking of the County of Surrey where special inquiry had been made. He thought that there was no doubt that the existence of the feeble-minded class caused a large increase of immorality and crime in the country. And Dr. Marriott Cooke, a Commissioner in Lunacy, described those who were discharged from asylums for the feeble-minded and idiots, and lost all the advantages of their training and sank by degrees to the workhouse. He said :—

Marriott Cooke, Vol. I., p. 349, col. 1.

"Those who have benefited most by the care and training they have received and who seem to be the most promising are those for whom this additional provision" of detention "is especially required. Their physical condition has, as a rule, been developed satisfactorily during their residence in the asylum; they not infrequently present a bright, intelligent appearance, and a certain number have become, while under supervision, to some extent self-supporting."

"Attempts, however, to place them out in the world generally meet with failure, and the alternative is usually residence in a workhouse, where they often deteriorate. Being still feeble-minded, they cannot, if placed on their own resources, take care of themselves, and are unable to earn their living. They get into trouble, and some of the women become the mothers of illegitimate children. Ultimately they gravitate to the workhouse, and the good they have derived from their training is, to a great extent, lost."

Bagenal, Vol. I., 2447. Vol. VI., p. 258.

378. As to the recurrence of cases of feeble-minded women in the maternity wards of the workhouses in the country, Mr. Bagenal, a General Inspector of the Local Government Board, said :—"My inference is that when women in a rural district come in time after time with children by different fathers, they practically may be described as the prostitutes of the districts."

Clouston, Vol. III., p. 201, c. 1.

Dr. Clouston, the Physician Superintendent of the Royal Edinburgh Asylum, from special investigation in regard to this class of feeble-minded women, gives a similar account. He says :—

"Of late years I have been devoting special attention to the previous history of the feeble-minded who have been sent to the asylum as certified patients, especially the young women. Through conversations with the patients themselves and through the enquiries by nurses and the information supplied by parents and relatives and from bodily indications where they have had children, I have come to the conclusion that such persons in a large city are subject to overwhelming temptations and pressure towards sexual immorality. I find, as a matter of fact, that it is an exception for any of them not to have been sexually tampered with among a certain class of society. Many of them have had illegitimate children, and this often at very early ages. One had seven such children. I look on this source of immorality as an extremely grave one in our social life. In a way, it is more disgusting and degrading than prostitution or sexual lapses through passion. When illegitimate children are borne by such young women, the chances are enormously in favour of their turning out to be either imbeciles, or degenerates, or criminals."

Legge, Vol. I., 1311.

Mr. Legge, then Inspector of Reformatory and Industrial Schools, when asked his opinion as to how far these feeble-minded people ought to be segregated with a view to prevent them reproducing themselves, said :—

"I think I said, and I hold to it, that I see no other alternative but when they reach a certain age to have every individual examined, and if they are certified as suffering from mental

deficiency which either renders them unable to protect themselves, or renders them not fully responsible for their actions, to have them segregated in colonies for an absolutely indeterminate period, and I do not think those colonies, properly worked, would be such a ruinous expense as people imagine. If the parents are decent and are willing to take charge of the individual then they should certainly do so, just as there are many idiots in the country in private houses. Many people would much rather keep a person than have it sent off to a colony. I think that is the only method."

The general evidence in favour of segregation and detention in the case of the mentally defective—*contd.*

379. Dr. Savage, referring to records of cases compiled during ten years, said :— Savage, Vol. I., 6516.

"I think during the last ten years I have records of over 700 people who are not detained, and who require, for the good of themselves or society, to be detained; wasters, morally insane people; probably 100 a year I see whom I think ought to be detained and are not detained, and cannot be, according to the present law."

Finally, Sir Edward Fry sums up the matter in a few paragraphs :— Fry, 5578, Vol I., p. 312, c. 2.

"Everyone knows that a large number of the mothers of illegitimate children are of weak intellect; that their issue are frequently of the same type; that a large number of the habitual inmates of workhouses are of the same low standard of mind; that much of the petty crime of the country is committed by persons below the average in intellectual power."

"One of the Poor Law inspectors saw, in a workhouse in Somerset, an imbecile woman with an illegitimate imbecile daughter, who had her own illegitimate daughter in her arms. Precisely the same picture has been seen in the county of Cornwall, and these are but pictures in small of a fact which is to be seen in very many of our workhouses."

"But the ranks of the insane, as well as of the imbecile, are recruited from the children of the feeble-minded. The fearful increase of late years of insanity in this country has necessarily created alarm, and I cannot but believe that one of the sources of this fact is to be found in the imbecility of the parents."

"Sir James Crichton Browne entirely agrees in this view. He has written to me to the effect that a terrible increase of insanity is going on, and that it is undoubtedly not merely due to increased diligence or improved diagnosis, but in some measure to the cause named viz., propagation by the weak-minded, and 'I am confident,' he adds, 'that permanent provision for imbeciles of both sexes, but especially girls, however costly it might be in the first instance, would ultimately result in saving of the rates.'"

"In a word, imbecility, insanity, bastardy, and crime are now paid for by the ratepayer, and any method of diminishing these at a reasonable cost must be to his benefit."

"In the ruder state of society which has passed away little heed was taken of these unfortunate children, and many of them, no doubt, died comparatively early in the struggle for existence. But we have learned to think more tenderly of the inferior members of our race, and we seek to protect them from the calamities and sufferings to which they are naturally exposed, and to preserve their lives to the utmost. But in so doing, and so doing rightly, we incur, it appears to me, another responsibility, namely, that of preventing, so far as we reasonably can, the perpetuation of a low type of humanity, for otherwise the beneficence of one generation becomes the burthen and the injury of all succeeding ones. The past increase in the number of lunatics in the country, to which I have already alluded, demands our most serious consideration of every means which can legitimately be used to protect the race from physical and mental degeneration, and I regard the segregation of imbeciles, first in childhood and youth, and subsequently throughout life, as the one of such means which is mostly clearly open to us."

380. In connection with the workhouses we have pointed out how strong is the argument for the detention of the mentally defective in suitable institutions; and we have shown also that, except in cases in which the home fulfils the purpose, supervision and control should follow immediately on their leaving a special class or being found unsuitable for day school education. The evidence we have now quoted emphasises the necessity of segregation or detention on the widest grounds of public policy. It is very representative, and comes from the authorities of prisons, medical officers of special schools, superintendents of county asylums, members of county councils, Poor Law inspectors, medical experts on questions of insanity and disorder of the mind, and from men of general culture and large legal experience; and others, as we shall see, such as the managers of voluntary asylums and voluntary societies, support it. And we should add that this mass of evidence is absolutely consistent with our own experience and with the results of our personal investigations. Following this evidence then we have to recommend some reorganisation of criminal procedure and of detention in the case of the mentally defective on lines consistent with those which we have suggested in regard to the Poor Law and education.

Part I., Chapter IV. Dendy, Vol. I., 858. Fleming, Vol. I., 2143–2145. Bagenal, Vol. , 2366. Caldecott, Vol. I., p. 596, c. 2. Hutchison, Vol. II., 11134–11135. Wilson, Vol. II., p. 23, cols. 1 and 2.

Recommendations LXXXVII.–LXXXIX.

Mentally Defective Children in Remand Homes, and Juvenile Offenders.

381. We begin with children in the remand homes. We referred to them in our chapter on the feeble-minded population of London. In the three years, 1902 to 1904, 3,119 juvenile offenders passed through these homes. Of these, 100 boys were taken at hap-hazard and twenty-eight girls, and examined

Mentally defective children in the remand homes. Part II., Chapter VII., para. 198–199.

Mentally defective children in the remand homes.—*contd.*

medically. Of the 100 boys thirty-seven were on examination graded between "backward, slightly mentally deficient, and mentally deficient"; and of the twenty-eight girls, sixteen. If these figures are fairly representative, it may be said that from year to year a very large number of juvenile offenders, in whom the connection between mental defect and criminality may be observed in its earliest stages, come before the magistrates. And further, if we may judge from the forty cases in which inquiry was made in regard to the children's homes, we find the home conditions in a manner account for the mental defect and illustrate the circumstances in which it arises. Yet no advantage is taken of this opportunity of dealing with the evil in its first manifestation. At present some of these offenders are committed under the Reformatory and Industrial Schools Acts, but committals to these schools account for only a small proportion of cases. The number discharged from them as insane, imbecile, or feeble-minded, in the years 1900 to 1904 was only fifty-nine out of an average annual school population of 21,000.

Part II., Chapter VII., para. 201.

Legge, Vol. I., 1192, 1193, 1197 and p. 651.

382. It may be said that this number represents probably "only those whom the schools have found it absolutely hopeless to deal with"; and that the actual number is much larger. But even if this be so, the proportion would be comparatively small, as it is well known that these schools do not, as a rule, receive children whose mental or physical defect would interfere with their industrial training. By far the larger number are probably remanded only and then discharged to their parents, nor are any other steps taken. It does not appear that there is any plan of reporting these cases to the Local Education Committee or ascertaining with any completeness from them or any other agency what the circumstances of the child may be; nor is there any continuous supervision of them on their discharge, except so far as the attendance officer may follow them up with a view to their attending school. "The Judicial Authorities do not like to deal with them as fully responsible, or to punish them severely. If they are sent to prison, it is usually for short periods only, so they soon return to their mischievous ways again." Thus at the time, when, as we have seen, discipline and training would have the greatest effect in preventing a lapse to yet greater feebleness of mind, these children in most instances are simply reprimanded and discharged. And, except in so far as they may make use of the industrial schools, the magistrates have no alternative. They may realise that the child requires special and continuous education and oversight but they can only return it to its parents or ask the aid of the police-court missionary to look after it. The existing law does not provide the powers which they should possess.

Scott, Vol. I., p. 276, c. 1.

Part III., Chapter XVI.

"Juvenile offenders, mentally defective, in local prisons in the Metropolis."

383. But we have to consider these juvenile offenders at subsequent stages of their career. At the first stage, as we have seen, out of 100 boys in the remand homes taken at random thirty-seven were classed as "backward, slightly mentally deficient and mentally deficient." At the House of Detention a large proportion of the prisoners are feeble-minded or lunatic. "Last year," Dr. Scott says, "we had nine found insane on arraignment; eleven found guilty but insane, certified before trial; another, judgment respited. In addition to that, I suppose there would be over 150 returned as insane to magistrates, those who are sent for the purpose of being detained, and a considerable number of weak-minded, whom with the present practice it would be of no use to certify, as they would not be detained. Of these 'weak-mindeds' a number are sent to prison. Some of them are simply bound over to come up again. Some are discharged on that account by magistrates as not being fully responsible. We cannot say that they are wholly responsible according to the legal sense; but many who are only partially responsible are punished, as practically there are no other institutions for them . . They could not be certified as insane in the present state of the law, and to a great extent, because, if they were sent to the present institutions, they would be sent out again." Also there is the difficulty of getting them into these institutions, for they may be *reported* as insane by the medical officer at the prison, and yet they may not pass the doctor or the magistrate at the workhouse to which they are sent on discharge, with a view to their being dealt with as insane. "This complicates the administration of justice. Unless there is something tangible it is no use my reporting them."

Scott, Vol. I., 4913-4918.

Scott, Vol. I., 4918.

384. This evidence represents the next stage. The weak-minded, unless certified as insane, cannot at present be detained. Some are sent to prison, some "bound over," some discharged; and even if they were treated as "insane," which they can hardly be under the present law, on discharge to the workhouse the Poor Law doctor and the magistrate at the workhouse may refuse certification and order of detention, taking a different view of the case from that of the prison doctor. And there is no intermediate institution between the prison and the lunatic asylum to which they can be admitted.

"Juvenile offenders, mentally defective, in local prisons in the Metropolis"—*contd.*

385. Of prisoners at the Pentonville prison similar statements are made. Dr. Parker Wilson said that in that prison "about 100 prisoners a year were so far mentally affected as to be quite unfit for prison discipline. They are the very extreme cases and mostly drift to asylums." Besides these there are not less than 20 per cent. of the prisoners who show signs of mental inefficiency. Special observations made during a month showed that the proportion of the feeble-minded among the prisoners worked out at about 18 per cent. The juvenile offenders had made but little use of their schooling. Of 389 admitted in the course of a year, 26 could neither read nor write; 328 only averaged the second standard; and 35 only could read and write well. As many as 40 per cent. of them are described as feeble-minded. From the feeble-minded juvenile offender comes the adult offender, who sometimes founds a family akin to himself in criminality. "The feeble-minded adult, who is generally an offshoot from the defective juvenile, becomes in nearly all cases the habitual criminal." "I am acquainted," Dr. Parker Wilson said, "with whole families of professional criminals, various members of which I have known as juveniles, and who were undoubtedly of very feeble-mental calibre when they commenced their downward career." And he mentioned several instances, of which one may be cited:—

"Juvenile offenders at Pentonville."

Parker Wilson, Vol. I., p. 255, c. 2.

Parker Wilson, Vol. I., p. 256, c. 1.

> "A lad who does not now look more than fourteen years old has already served three terms of imprisonment at Pentonville prison, his father has been here twice, and his mother has been sentenced as a drunkard. Of his brothers, one has done two years at Maidstone, another one year at Wormwood Scrubbs, and the third is in a reformatory. The girls (his sisters) are mere children. The difficulty of benefiting this class of boy was particularly demonstrated in this case. I brought him specially to the notice of the chaplain, and he procured work for him on discharge which would have enabled him to earn 10s. a week, but the parents intervened and would not allow him to go, as it took him from home."

386. Notwithstanding the procedure described in Para. 391 and 400 *infra* it generally happens that offenders come before the magistrates without sufficient information as to their mental condition, and as matters stand they have to be discharged or imprisoned, and are discharged with little or no regard to ultimate results. When a juvenile offender leaves prison after a few days confinement it frequently happens that no report is made to any authority that he is mentally deficient, even if that be the case. No evidence is brought before the magistrate; and the magistrate may convict again and again, but he may have before him no information as to previously recorded convictions. Yet these are often very numerous. Of the juvenile prisoners admitted to Pentonville prison in the previous year, 513 in all, seventy-two had one; sixteen, two; eight, three; five, four previous convictions. One had five, one six; and one, nine. And the sentences almost all are short sentences, so that though special training and education is provided for these offenders in prison, little advantage can come of it. Thus seventeen weak-minded boys were sentenced to one month, twenty to six weeks, one to eight months, twenty-seven to two months, fifty to three months, three to four, and one to seven months. In this way, there is an endless duplication and reduplication of unproductive administrative work.

"Weak-minded juvenile offenders before the Magistrate."

Parker Wilson, Vol. I., 4460. 4472.

Melland, Vol. VI., pp. 166, 167.

Parker Wilson, Vol. I., 4482. 4470. 4494.

387. These offenders are frequently committed without information as to their mental condition or past convictions; they are committed for short sentences, which may be suitable in certain cases, but which in these instances have little or no relation to causes and are practically purposeless, and, naturally, committed to prison without forethought, they are committed frequently, and they appear and re-appear in prisons, workhouses, casual wards and elsewhere. Thus it comes about that 150 to 200 feeble-minded offenders pass through a single prison in the course of a year. On their discharge they are handed over to their parents as the proper people to look after them; and so the matter ends. If they were dealt with individually, under conditions likely to prevent their degradation, by education, employment, and segregation, the supply would gradually cease. They would be detained, if need be, and would not appear and reappear in a perpetual and useless iteration.

Parker Wilson; Vol. I., 4541.

Parker Wilson, Vol. I., 4550.

Vol. I., 4467. 4514.

Mentally Defective Prisoners in Local and Convict Prisons.

Mentally defective in local prisons generally.

Smalley, Vol. I., p. 175.

Vol. I., p. 176, c. 1.

Vol. I., p. 176, c. 1.

Vol. I., p. 175, c. 1.

p. 176, c. 1.

388. We have referred to local prisons in London only. But the same routine of maladministration, not to be avoided under present conditions, prevails elsewhere. Dr. Smalley, the medical inspector of the Prison Commission, submitted to us a return of prisoners in the various local prisons in England and Wales, who "although not certainly insane, were unfit for ordinary penal discipline by reason of mental deficiency, and are termed 'weak-minded.'" These prisoners numbered 345 during the year ended March 31st, 1904, 297 males, and forty-eight females, the rate per 1,000 being 1·75 of the male, ·88 of the female prisoners, or 1·54 of the total number. Yet they do not represent the total number of the mentally defective, but "only the worst, the most obvious." There are many mentally defective who *are* considered fit for penal discipline. If they were included in the count, at least 3 per cent. of the prison population would be returned as mentally defective. In the previous year, 1903, 333 were returned as "weak-minded." Of these an analysis by age has been made. Of the 333, the larger number, 200, were under forty; twenty-two were under twenty years of age; eighty-five between twenty and thirty. Thus "no age between late childhood and extreme old age is without examples, whilst 73 per cent. were in the procreative stage of life with its obvious corollary."

Smalley, Vol. I., p. 176, Table.

p. 175, c. 2.

p. 176, c. 1.

389. There is in regard to the local prisons generally the same story of short sentences and frequent committals as in the London local prisons. Against 130 of the 333 weak-minded prisoners, who were unfit for ordinary penal discipline by reason of mental deficiency, no previous convictions had been recorded; but for this absence of record their nomadic habits might in part account. Against fifty-six one conviction had been recorded; and against twenty-eight, two; the remainder varied from four to 105 convictions. About half (fifty-one) had been convicted from five to ten times. And the offences were chiefly minor offences. Thus, if we omit from the list offences of which only a single instance was returned, we find that out of these 278 offences, 193 consisted of: begging (seventy-five); drunkenness (fifty-three); stealing (thirty-four); vagrancy (twenty); sleeping out (eleven). These offences, excepting drunkenness, are much the same as those which appear in the register of the remand homes. Yet "though," as Dr. Smalley said, "the less grave forms of crime predominate, there is a potentiality in the feeble-minded class for crimes of a more serious character. Many are eventually sent into penal servitude for rape, arson, carnally knowing, shooting with intent, manslaughter, and murder, who previously had short sentences for minor offences."

Feeble-minded women in local prisons.

Holloway Prison. Smalley, p. 175.

Griffiths, Vol. I., p. 199.

390. The evil plight of feeble-minded women naturally excites the most general commiseration, but it will be noted that in the above return the larger number are men. Thus in the 333 cases of mental defect, 284 were men; forty-nine only were weak-minded women. On the other hand, if we compare the number of mentally defective female prisoners with the number of the normal female prisoners, we find that of 803 who were in Holloway prison on November 29th, 1904, forty-one were chronic inebriates, thirty-nine were feeble-minded, and three were insane; and of 1,297 convicted prisoners received during the month of November fifty-six were rated as feeble-minded. In the case of the thirty-nine who were noted as feeble-minded women the sentence in twenty-one instances was for one month or less. In the remaining instances it was for six weeks up to twelve months. Cases of sexual offence numbered twelve; cases of theft, ten; drink, begging, assault, and "false pretences" made up almost all the rest of the count.

Regulations for local prison as to the mentally defective.

Smalley, Vol. I. p. 172, c. 1.

p. 172, c. 2.

391. The Prison Commissioners, to whom all these facts have long been familiar, have already made regulations for dealing with the weak-minded in local prisons, so far as the accommodation in such prisons permits, with a view to preventing or mitigating these evils in such degree as their powers allow. These regulations provide for classification apart from other prisoners; for supervision by officers selected "by the governor after consultation with the medical officer, and preferably from the hospital staff"; for a dietary in each case as may seem fit to the medical officer; for "untasked" work, separately or in associations, as it may be allotted to them by the governor after consultation with the medical officer; for punishment only with the concurrence of the medical officer; and, finally for the transference of such prisoners on discharge

"to the care of friends or to the workhouse authority." In general it may be said that the management of feeble-minded prisoners has become rather medical than penal. The medical officer acts virtually as an assessor with the governor. "A record of each case, and its special treatment and history, is kept," it should be added, "and sent to the Commissioners by the medical officer with his Annual Report." In fact, the record, registration, and the annual report, which we recommend generally are here already adopted. Smalley, Vol. I., p. 173., c. 1. Smalley, Vol. I. p. 172, c. 2.

Moreover, the Commissioners have, with the approval of the Home Secretary, taken the highly commendable step of requiring that, whenever a feeble-minded prisoner is discharged, due notice thereof shall be sent to the police of the district to which he is to be discharged, so that if he again falls into crime the magistrate before whom he is brought may be made aware of his mental condition.

392. But these regulations, good as they are, do not suffice. The conditions of committal and discharge will have to be altered if remedial reforms are to be made. Accordingly it is suggested to us that on conviction mentally defective persons should be committed from the court direct to "feeble-minded homes or colonies"—"places where they could be compulsorily detained and employed; and where, if they are to be detained for any length of time, a certain amount of recreation and amusement could be allowed—a kind of half-way house between a prison and a lunatic asylum." It is suggested also that in these cases committals should be indeterminate, that is, "for a certain length of time in the first instance, and at the end of that time their case should be reconsidered and settled according to circumstances. In some cases the detention would be for life." Another suggestion is that "there is a possibility that some might be sorted out after a time and let out on a licence under the supervision of an appointed guardian, who should be responsible for them and to whom they should report themselves frequently. The guardian himself would also report periodically of the doings of the individual to the central authority, whoever that might be, who had jurisdiction of the feeble-minded homes and colonies." Suggestions of witnesses as to committals and discharge. Smalley, Vol. I., 3419-3421. Vol. I., 3421. Vol. I, 3428. Vol. I, 3360.

393. Hitherto we have referred only to local prisons; but in regard to those committed to the convict prisons the same evils obtain, so far as procedure and the administrative arrangements that depend upon it are concerned. But this does not apply to the internal management of the prisons, and the prison authorities have striven to utilise the accommodation within both local and convict prisons so as to minimise as much as possible the evil of treating mentally defective prisoners like ordinary prisoners. Reform is required in another direction. The courts do not possess sufficient discretionary powers to enable them to deal satisfactorily with the feeble-minded criminal in the earlier stages of his career. Sixteen per cent. of the patients at the State criminal lunatic asylum at Broadmoor were "cases of congenital or infantile mental deficiency—the proportion of both sexes being about the same," and the list of their offences is an illustration of Dr. Smalley's statement that: "There is a potentiality in the feeble-minded class for crime of a more serious character." Convict prisons. Brayn, Vol. I., p. 165, c. 2. Smalley, Vol. I., p. 176, cols. 1 and 2.

The returns made in regard to weak-minded convicts at Parkhurst is a still further confirmation of this opinion. The Return is as follows:—

IV.—(*d*) Weak-minded Convicts in 1903–4.

The 111 weak-minded convicts in Parkhurst Prison at the close of the year ended March 31st, 1904, were classified as follows:—

(*a*) Congenital deficiency:—	
(1) With epilepsy - 5	
(2) Without epilepsy 53	58
(*b*) Imperfectly developed stage of insanity	24
(*c*) Mental debility after attack of insanity	4
(*d*) Senility	8
(*e*) Alcoholic	—
(*f*) Undefined	17
Total	111

Convict Prisons —*contd.*

Their offences were as follows:—

Larceny	24
Burglary, housebreaking, etc.	18
Attempt to murder, wounding with intent, shooting with intent, etc.	13
Arson	11
Carnal knowledge of girl under thirteen years of age	10
Murder	9
Fraud, obtaining money by false pretences, forgery	6
Manslaughter	5
Rape	3
Receiving stolen goods	3
Unnatural offences	2
Horse stealing	2
Possession of explosives (treasonable offence)	1
Bigamy	1
Blackmailing	1
Robbery with violence	1
Killing a horse	1
Total	111

Their previous Convictions are thus returned:—

Of the 111 convicts	2	had incurred	over	30
,, ,,	3	,,	,,	20
,, ,,	1	,,	,,	20
,, ,,	24	,,	,,	10
,, ,,	3	,,	,,	10
,, ,,	4	,,	,,	9
,, ,,	5	,,	,,	8
,, ,,	2	,,	,,	7
,, ,,	5	,,	,,	6
,, ,,	5	,,	,,	5
,, ,,	1	,,	,,	4
,, ,,	5	,,	,,	3
,, ,,	4	,,	,,	2
,, ,,	12	,,	,,	1
,, ,,	35	,,	,,	0
	111			

Of the above two had been previously sentenced to penal servitude four times; three, three times; nine, twice; twenty-four, once; seventy-three had incurred no previous sentence of penal servitude.—111.

Parkhurst prison in part used as labour colony for mentally defective convicts.

394. Indeed, the gravity of the question led the Prison Commission to reconsider the whole of their arrangements for this class of convicts, and to re-organise them. Now, accordingly, at the prison at Parkhurst weak-minded convicts are brought together and treated as if they were in a labour colony. But it has to be remembered that those who are here graded as "weak-minded" do not represent the whole number of that class. Here as elsewhere, "a considerable number not actually classed as 'weak-minded' are incapable of organising their own occupations, of withstanding the stress of competition and the evil influences of criminal associates, when free; and necessarily from this cause they relapse into crime." About 17 per cent. among the "star" class prisoners, and 25 per cent. among ordinary class prisoners are really feeble-minded in this minor degree. Of 100 weak-minded convicts only four, it is judged, "might be discharged to the care of relatives or unconditionally, with reasonable prospect of their leading an honest life." Again, previously recorded convictions are numerous. And further, the course of criminality commences early. In thirty-seven cases out of the 100, the first conviction took place under the age of twenty—in many instance at fourteen, fifteen, sixteen and seventeen years of age and even earlier. Indeed, as Dr. Treadwell said, the evil is "an evil of the very greatest magnitude."

Treadwell, Vol. I., p. 246, c. 1.

Treadwell, Vol I. p. 246, c. 2.

Treadwell, Vol. I., p. 247

Treadwell, Vol. I., p. 248.

4382.

395. This department at Parkhurst, as we have said, is essentially a labour colony. To it weak-minded convicts are sent from the local prisons at the end of their period of separate confinement, and weak-minded prisoners from the other convict prisons, including the purely prison department of

Treadwell, Vol. I., 4387, 4309, 4349.

Parkhurst itself. Urgent cases from other prisons are also received. These persons are placed under special regulations which ensure :— Parkhurst prison in part used as labour colony for mentally defective convicts —*contd.*

"(1) Separate location from other convicts."
"(2) Supervision by a specially selected staff of officers."
"(3) Special employment."
"(4) Dietary to meet special needs."
"(5) Special care and discrimination in dealing with any breach of rules, etc., and punishment thereof." Smalley, Vol. I., p. 172, c. 2.
"(6) More latitude in the way of talking at exercise and at work, etc."
"(7) Special supervision by the medical staff."

"Structural alterations have also been made by which one hall of the prison is almost entirely devoted to their occupation. They have a separate exercise yard of their own. They go to and from the prison by themselves. A portion of the chapel is set apart for their sole use to which there is an entrance separate from that used by the other convicts. They are under the supervision of a specially selected staff of officers, whose *sole duty is with these prisoners*. Part of the farm land has been set apart, on which the larger number are employed at garden work. Here they are doing most useful work, growing vegetables which are used in the ordinary prison dietary, for the patients in the hospital (Parkhurst is the invalid convict station, and there are usually some 100 patients or more in hospital), the surplus being sold to officers' families. Those weak-minded prisoners who are unfit to go to the garden are employed at various indoor work, sewing, etc. Rugmaking has been somewhat recently started, and we have a contract with a local tradesman who supplies the materials and pays so much for the manufactured article." p. 173 c. 1.

"In fact the weak-minded are in a separate prison of their own, as far as this can be practically done in one establishment."

396. Under this *régime* the weak-minded convicts have behaved much better than under the ordinary prison rules, and are more easy to manage. About half are capable of working on the land. But, generally speaking, about 26 per cent. only would be sufficiently tractable and obedient to be employed in an open colony. The rest would have to be managed more stringently. Some of them would be dangerous to others ; and for them a colony with a building attached to it like an annexe to a lunatic asylum would be necessary. Treadwell, 4354, etc. 4358. Treadwell, Vol. I., 4310–4312.

397. We conclude that if a continuous waste of judicial and official effort is to be avoided and much incipient criminality prevented, it is indispensable that juvenile offenders should be most carefully examined by medical officers, well informed as to the nature of mental disease, and should, if mentally defective, be dealt with by training, segregation, and otherwise ; that the procedure for the commitment of these offenders for short sentences should be radically reformed ; and that their committal, treatment and discharge should be organised on new lines. Recommendations LXXXVII-LXXXIX.

Discharge and After-Supervision in Relation to Local and Convict Prisons.

398. We will now consider remedies in detail. The provisions of the Lunacy Act should be remodelled, and embodied in an Act for the care and control of the mentally defective so as to provide for all mentally defective cases, that is, for many cases, for which segregation is urgently necessary, but for which the Lunacy Act offers no means of effectual treatment. Thus, besides the feeble-minded generally, some cases of prisoners of well-marked defectiveness of mind do not come under the Lunacy Act, and they are constantly discharged, and prove a terror and a danger to the community. In illustration of this, Dr. Parker Wilson mentions the following instance :— Recommendations II. IV. Parker Wilson, Vol. I., 4545–4547.

"A man met with an accident some time ago, and got concussion of the brain; this was followed by drunkenness; he got very intemperate, and he cut his own throat; he was taken to the hospital, cured, and directly he got out he got drunk again, and tried to murder his wife. For that he came to me for a term of imprisonment. I sent him out, and reported him to the police as being a weak-minded drunkard. He had not been out very long and he came in the other day. He had tried to murder his wife, and cut his own throat as well. These are the difficult cases I have to deal with. I cannot certify him, I can only keep on sending him out. There is nothing else for him, no place of safe detention for him for a lengthy period. When he goes out again he will either murder his wife or cut his throat. He is only one of a type."

On such a point as this it is clear that there should be an amendment, both of law and of procedure. These cases should be certified and determined on lines similar to those of the Lunacy Act of 1890. There should be no narrow and ineffectual definitions of mental defect by which they can be excluded from the care and protection of the law. Smalley, Vol. I., 3438–3444. Griffiths, Vol. I., 3582–3595

PART IV.
MENTAL DEFECT AND CRIME.

Chapter XX.
The Mentally Defective in Prisons, Casual Wards, and Common Lodging-Houses.

Procedure on discharge of feeble-minded prisoners from local prisons. Griffiths, Vol. I, 3594–6.

399. Then as to the discharge of prisoners. We will state the procedure in regard to weak-minded prisoners, both in local and convict prisons, for in regard to these cases, there is at present a hopeless dislocation of administrative machinery, as between the prisons, and the police, and the magistracy. No doubt this is in great part due to the want of suitable accommodation, but, with the provision of this accommodation existing evils will continue unless there is a great change in procedure.

Smalley, Vol. I., p. 173, c. 1; p. 178.

400. In the case of local prisons, prior to discharge, the medical officer certifies to the governor that the prisoner is mentally deficient and is not, in his opinion, "a fit subject for ordinary penal discipline"; and he describes the prisoner's condition fully. This report and certification the governor sends to the superintendent of the police of the district, requesting him, if the person to whom the document refers is again brought before any court, to be good enough to submit it to the court, before the case is dealt with, in order that the magistrates may be made acquainted with the mental condition of the prisoner. The report itself is precise, and it should effectually prevent the mere repetition of a short sentence, if it were registered and indorsed by the police in such a way that it might be instantly forthcoming before the accused appeared in court. A daily search through a card index to ascertain whether against any of the cases with which the court had to deal, information of this kind was registered would ensure that so important a report was submitted beforehand to the magistrate. Yet it is stated in evidence that "the measure is not of much practical utility."

Smalley, Vol. I., p. 173, c. 1.

401. The persons who commit crimes are often brought before the court in another district than that in which they are known, the district to which they were discharged when they left prison. That district is in the jurisdiction of another body of the police. There is no organisation for the general transmission of information about prisoners, nor is there any centre for the accumulation and communication of such information on inquiry. Therefore the magistrate in the new district in which the mentally defective person commits his second offence may remain uninformed of the facts, and treat the accused as a first offender, and pass another short sentence on him.

Smalley, Vol. I., p. 173, c. 1.

402. The second reason why the medical officer's report is of "not much practical utility" is that the discharge is to no responsible person, or at least to no person or authority that is held to be responsible for the supervision of the prisoner in the future. It is difficult to find any friends willing to take such prisoners and, if they do, they take only a nominal charge of them. The discharge to friends is often thus, in fact, an unreal safeguard. The mentally defective person might equally well be discharged to the world at large. But the prisoner, when discharged, is destitute, and thus he has a claim on the Poor Law, and is discharged, therefore, to the workhouse of the union from which he came. p. 731, c. 1. "The workhouse authorities," however, "have no power of detention and are probably not anxious to retain such folk." The prisoner, indeed, is not really a destitute pauper in the ordinary sense—a person who has fallen out of the ranks of the self-supporting population. He is rather a weak-minded person who cannot be considered normally responsible for his own self-support, for he can never become actually responsible for it; and so, wherever he may be, he must remain in great part dependent, as the evidence shows, on someone—living usually at present either in vice, beggary and crime, or at some workhouse, casual ward, or refuge. The discharge to the workhouse authorities, like that to friends, cannot be overwise than ineffectual. Even if he could be detained there, a workhouse is not a suitable place for a weak-minded ex-prisoner likely to commit yet further offences.

403. The third reason is that there is no superior body, primarily interested in the good administration of affairs relating to mentally defective persons of all classes, who can prevent "an unwise discharge" or take steps in anticipation of evils likely to arise from it. The question is not primarily a question of police any more than it is a question of Poor Law. The one authority is dealing with crime, the other with pauperism. Neither has any special interest in regulating the conditions under which mentally defective persons generally should be supervised and controlled. Nor can either authority ensure that

information in regard to mentally defective prisoners will reach magistrates before they adjudicate on charges against these persons, or that the discharge of a mentally defective prisoner will be to a responsible party, pledged, as far as possible, to provide for his continuous oversight. Now when the recommittal of such a prisoner takes place, a report of the circumstances is sent to the Prison Commissioners; "the case is investigated, and if it appears to be a flagrant travesty of justice and common sense, a report is made to the Secretary of State, who usually communicates with the chief constable of the district or the committing magistrates. The replies are sent to the Commissioners to see, but usually little benefit appears to accrue to anyone, and this seems inevitable under the existing state of the law." Smalley, Vol. I., p. 173, c. 1.

404. We have argued this point in reference to local prisons and the prisoners in them. In the case of weak-minded convict prisoners it is of equal importance. Of his table of 111 of these prisoners at Parkhurst, Dr. Smalley says: "Their offences and the number of convictions speak for themselves of their terrible careers, and the mischief they must have wrought;" and that it may be the better understood what class of persons would be affected by a wiser administration in regard to discharge and control, we quote two reports on young men, which Dr. Treadwell, Medical Officer of His Majesty's Prison, Parkhurst, has handed in:— Convict Prisons: the question of discharge and after supervision, typical cases and procedure. Smalley, Vol. I., p. 177, c. 1. Treadwell, Vol. I., p. 250, c. 1.

"*G. C.*, aged 22. On conviction in 1903 for robbery with violence. Offence committed with aid of two other persons unknown. A brother and a sister had fits—no other history of insanity, epilepsy, alcohol, or crime obtained. Parents of labourer class; had a good home, but bad companions; educated at industrial school; education, Standard IV.; occupation, labourer; is a drunkard.

"Previous convictions:—1888, stealing (three strokes birch); 1890, stealing (six strokes birch); 1891, stealing (to industrial school); 1897, stealing; 1898, stealing; 1899, stealing; 1899, shopbreaking; 1900, loitering with intent; 1901, on enclosed premises with intent; 1901, on enclosed premises with intent; 1901, stealing; 1902, stealing. And sixteen times summarily, drunk, etc., 1895 to 1902. Prison conduct insubordinate (foul language, threatening, fighting, etc.)

"Palate high and narrow; head asymmetrical, and bears evidence of head injury when a child; facial expression dull and unintelligent. Moods variable, sometimes emotional and tearful, at other times morose and quarrelsome; of low intelligence and poor memory; little, if any, moral perception of the rights of others. Suffers from genuine epileptic fits and also feigns them. Easily led astray and not likely to keep from a career of crime. Unfit to take care of himself and requires control. Defect dates from childhood or is congenital."

"*J. M. G.* Aged 23. On conviction in 1903 for manslaughter. A very brutal murder of a woman by stamping upon her when wearing heavy boots—probably very drunk. Father said to have been insane, in an asylum. Mother a drunkard. Education, Standard III., but learning makes him feel queer in his head. Occupation, fireman. Vol. I., p. 250, c. 2.

"Previous convictions:—1895, drunk; 1895; 1898; 1899; 1901, wilful damage.

"Features, asymmetrical; facial expression of low type of intelligence. Intellect feeble; emotional; gets frightened at night unless he has a light burning. Memory poor. Very simple and stupid. Defect congenital and alcoholic. Incapable of education beyond simple rudiments. Quiet, tractable, and works under supervision, requires control."

These cases may be taken as typical cases of weak-minded convicts. We have to consider under what conditions they are discharged and have their liberty.

405. In the case of a weak-minded convict, the governor makes inquiries as to the ability and willingness of his friends to receive the convict, and the prospect or otherwise of his being able to earn his own living. He reports the result to the directors of the prison four months before his release on licence becomes due. With this report he submits reports from the chaplain as to the convict's general character, and "the probability or otherwise of his relapsing into crime, if released," and "from the medical officer, stating in detail the necessity or otherwise for special care after release." All this information is then collected in a further report which is sent to the visiting director of Parkhurst Prison, and if on release by licence, the prisoner is likely to be dangerous to himself or others the licence is withheld by the Secretary of State. This is the only check. But subsequently, when the sentence is complete, there is nothing for it but that the prisoner should leave the prison. If friends cannot receive him, he is referred to a Discharged Prisoners' Aid Society. But these societies are intended to aid prisoners temporarily, in order that they may have a better start on discharge; they have no means or machinery for controlling helpless convicts, or looking after them continuously. "Practically, therefore, all they can do is to take charge of the gratuity and give advice." If the convict, "by reason of infirmity of mind or Smalley, Vol. I., p. 173, c. 2. p. 173, c. 2.

Released Persons (Poor Law Relief, Act, 7 Edw. 7) c.14., Sec. 1 (1907).

body requires immediate Poor Law relief" under the Released Persons Act of 1907—which applies to released prisoners generally as well as to inmates of reformatory and industrial schools, and certified inebriate reformatories, he is removed by an order of a Justice to the workhouse of his settlement, or failing knowledge of that, to "the workhouse of the Poor Law union . . . in which he is deemed to be *prima facie* chargeable for the purposes of this section." In all cases the police of the district to which he is sent are apprised of his mental condition. These convicts, therefore, who are weak-minded and often dangerous, are discharged to no authority responsible for their after-supervision. Till they commit their next crime (and "many of them are hopeless recidivists") they live among the population. Except in the longer sentence and in the more prolonged control which the refusal of release on licence permits, the conditions of their discharge do not differ materially from those of the local prisoner; and the remedy appears to lie in the same direction.

General conclusions.

406. We may sum up. On general grounds many competent observers are of opinion that if the constantly recurring fatuous and irresponsible crimes and offences of mentally defective persons are to be prevented, long and continuous detention is necessary. The experience of the prison authorities fully confirms this opinion. From the earliest age, when they appear before the magistrates as children on remand or as juvenile offenders, until and throughout the adult period of their lives, the mentally defective, at first reprimanded and returned to their parents, then convicted and subjected to a short sentence and returned to their parents, and then later continually sentenced, and re-sentenced and returned to their parents or friends till, for crimes of greater gravity, they pass to the convict prisons, are treated, as this reiterated evidence shows, without hope and without purpose, and in such a way as to allow them to become habitual delinquents of the worst type and to propagate a feeble-minded progeny which may become criminal like themselves. This, as has been said, is an "evil of the very greatest magnitude." The absolute and urgent necessity of coping with it is undeniable. And, in our opinion, to do this, as in the case of the Poor Law and the Education Acts, very great changes, such as we have sketched, will have to be made both in law and in procedure. We believe that the scheme outlined in our General Recommendations as to the mentally defective (Part XI. below), will do much to remedy the existing evils. The particular points on which we rely to meet evils we have just been discussing are as follows:—

Recommendation I.

(1) That there would be one central authority responsible for the supervision of all cases of mental defect.

Recommendation XXVIII.

(2) That local authorities engaged in this department of work and co-operating with the central authority would be responsible for making provision for these cases, and that the criminal courts would be empowered to utilize such provision.

Recommendation LVI.
Recommendation XI.

(3) That there would be a statutory obligation imposed on the police and all prison authorities to report all these cases to the local authority of the county or county borough. These cases would also be registered at the office of the Board of Control.

Recommendation LXXXVII.

(4) That there would be a statutory obligation imposed on the police to apply to the central authority and the local authority, for information in regard to cases of mental defect or recurrent short sentences.

(5) That the medical officer of the local authority would be informed by the police in regard to these cases, so that he, or his representative, should be in court when the case was tried.

By these means, and by reason of the procedure detailed in Recommendation LXXXVII and LXXXIX, which, in effect, we quote below, we think the mentally defective prisoners will not be lost sight of on discharge, and, if they commit a new offence, they will not be brought before the Court without information in regard to their past career:—

Recommendation LXXXVII.

(1) That all Courts of Justice, including Courts of Summary Jurisdiction, should have power to order the detention of a convicted mentally defective person in a suitable institution instead of pronouncing a sentence of imprisonment.

(2) That all mentally defective persons ordered by the Court to be detained in an institution for the care and control of mentally defective persons, and all persons certified to be mentally defective, while under sentence or order of detention, shall be detained in institutions for the care and control of mentally defective persons until the approval of the Secretary of State of their discharge has been obtained. Recommendation LXXXIX.

407. We agree with Dr. Smalley, Medical Inspector of the Prison Commission, that under the existing state of the law the present unsatisfactory conditions are inevitable. They can, we think, be prevented only by some such changes as we recommend.

The Number of the Mentally Defective in Local Prisons, Casual Wards, Shelters, etc.

408. We now turn to the Reports of the medical investigators. These Reports contain indications of the lives of the mentally defective who are in the stage following discharge from prison, wandering, or to be found in the workhouse, casual ward, common lodging-house and refuge. They also contain notes on the inmates of several local prisons. The local prisons were usually visited by the medical investigators regularly for four or five weeks. The following table shows the number of prisoners whom they judged to be mentally defective. The percentage is considerably larger than the percentage of those returned as "weak-minded and unfit for prison discipline," and it is also much larger than the 3 per cent. which was estimated as the total number of mentally defective persons among the prison population. Report of Medical Investigators. Smalley, Vol. I., p. 176, c. 1.

Areas (Unions).	Number of Prisoners seen.			Number found mentally defective.			Per cent. of col. 5 on col. 2.	Per cent. of col. 6 on col. 3.	Per cent. of col. 7 on col. 4.
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1.	2.	3.	4.	5.	6.	7.			
Stoke-upon-Trent -	138	31	169	27	6	33	19·5	16·1	18·9
Birmingham - -	334	69	403	28	16	44	8·4	23·2	10·9
Manchester, Chorlton and Prestwich	–	–	1,048	60	79	139	–	–	13·26
Hull and Sculcoates -	326	110	436	4	–	4	1·23	–	·92
Durham - - -	61	18	79	2	1	3	3·28	5·56	3·80
Somerset - - -	–	–	40	5	–	5	–	–	12·5
Wilts - - -	32	5	57	3	–	3	9·38	–	8·11
Nottinghamshire	–	–	73*	6	1	7	–	–	9·59
Lincolnshire - -	68	–	68	4	–	4	5·88	–	5·88
Total - -			2,353	139		242			10·28

Vol. VI., p. 49

* This number is made up of 53 males, 14 females and 6 prisoners found at Derby, the sex of whom is not stated.

409. The actual numbers are much fewer in the country than in the town areas, but the general impression which the figures produce is that the proportion of prisoners of both sexes who are mentally defective is much larger than is generally supposed. "The higher grade aments," Dr. Potts, our Medical Investigator at Stoke and Birmingham, suggests, "are sometimes not recognised by the prison authorities; they are apt to think a man who works well and labours well in prison must be normal. In prison, however, everything goes like clockwork, and there is strict supervision; the work is of a simple character, and under such circumstances many defectives will create a favourable impression, though outside they would not be able to 'compete on equal terms with their normal fellows' or 'manage themselves or their affairs with ordinary prudence.'" Vol. VI., p. 99.

URBAN AREAS.

Reports of Medical Investigators.—*contd.*
Stoke-on-Trent. Vol. VI., p. 98.

410. At the Stafford gaol, which provides for the Stoke-on-Trent district, eleven male mentally defective persons were committed in the course of the month of visitation, or, making allowance for recurrent committals, about 100 in the course of the year; and on a similar estimate in the case of women, thirty in the year. At the Birmingham prison several mentally defective prisoners were noted, all plainly requiring detention, and in the casual ward were many mentally defective women. "Records were obtained of ninety-three children as the offspring of eighteen mothers who were defectives; fortunately most of the children are dead." At the night shelters for women were other wanderers; and in the common lodging-houses were found men of the same stamp as the mentally defectives who were found in the casual ward. Three of these cases were:—

Birmingham. Vol. VI., p. 128.

p. 125.

p. 127.

"A bricklayer, who could not count the bricks he laid."

"A feeble-minded youth of nineteen who had only been discharged from a workhouse four months previously; another who had been discharged from the Birmingham workhouse the day before; both of these urgently required permanent care."

"One defective who had been educated in an industrial school. One feeble-minded man who had such a bad memory that he could not remember which was his bed, though he had occupied the same one for several weeks."

Manchester, Chorlton and Prestwich. Melland, Vol. VI., p. 166.

411. At Manchester Dr. Melland calculated that he saw about one-sixth of the prisoners who would pass through the Strangeways gaol from Manchester in the course of a year—1,048 in all. Amongst these he came across 139 who were mentally affected, equal to 13 per cent., or excluding alcoholic dements, 10·5 per cent.; and he thought that some 600 feeble-minded persons passed through the prison yearly. For the whole of the 139 prisoners whom he saw some permanent provision was, in his opinion, necessary. As to the casual wards: in

Vol. VI., p. 154.

these the number of casual poor was, at the time, in excess of the normal. He examined 3,809 tramps, and amongst these he found 133 mentally defective men and twenty-one women, including one girl of eight. He was struck by the fact that the ages of the feeble-minded men in the workhouse were markedly lower than

Vol. VI., p. 154.

the ages of such men in the casual wards and concluded "that the more marked cases and those from whom parental or friendly help and control were withdrawn early drifted into the workhouse, while the slighter cases and those who had had assistance up to a later age and are a little less helpless drifted into the tramp wards." This was even more marked in the case of the women. Excluding a defective girl of eight, there were in the tramp ward no women under twenty, only two under thirty, seven between thirty and forty, and two over fifty. "Many of them were of the most vicious and degraded type, spending their life between the common lodging-house, the prison cell, and the casual ward." In the shelters for men it was found that, although there was a large floating

Melland, Vol. VI., p. 162. Stracey, Vol. VI., p. 304. Tredgold, Vol. VI., p. 223. Pearse, Vol. VI., p. 259.

population of casual workers, practically the same as those seen in the tramp wards, the officials were seldom prepared to admit that there were any who appeared to be feeble-minded amongst them. "The general opinion seemed to be that their wits had been sharpened by hardship and experience." The same is said of men in the casual wards elsewhere.

COUNTRY AREAS.

Somersetshire. Tredgold, Vol. VI., p. 236.

412. Turning to the country areas we find that in Somersetshire Dr. Tredgold enters thirty feeble-minded persons as having pronounced criminal propensities. Of this number, twenty, he says, are at present serving or have served terms of imprisonment. The feeble-minded among the tramps at casual wards are, he says, probably not more than 10 per cent. at the most.

Wiltshire. Pearse, Vol. VI., p. 259.

Dr. Pearse, writing of Wiltshire, says that "the number of feeble-minded among casuals is small: a man who lives on the road must live by his wits, and the feeble-minded are thereby barred from this method of livelihood."

Nottinghamshire. Gill, Vol. VI., p. 279.

Dr. Gill, reporting on unions in Nottinghamshire, examined twenty-two casuals, but of these "twelve had been in gaol from one to eight times, . . . one for theft, and one for attempted murder. In addition three of the twenty-two were feeble-minded (one also epileptic), and two of those had been in gaol—one eight times, and the other once, for refusing to do his allotted work at a casual ward."

413. The reports of the medical investigators contain notes of many individual cases, from which it appears that the relations are often quite unable to control or provide for the mentally defective prisoner who has been discharged to them. And they amply justify the contention on which we have already insisted that a considerable population of these persons is to be found wandering to and from prisons, workhouses, casual wards, and shelters. It may, no doubt, be pointed out that among the large number of tramps the feeble-minded are comparatively few. This is likely—but yet the 10 per cent. in the country districts, and the 4 per cent. of the joint casual ward, for the Manchester, Chorlton, and Prestwich Unions, and such an analysis as we have just quoted from Dr. Gill's Report—demonstrate that the feeble-minded who are scattered about among the institutional and wandering population of dependent persons throughout the country is large, while undoubtedly also the number of feeble-minded prisoners is much greater than was supposed.

Conclusion to be drawn from Medical Investigators' Reports.

414. To control this wandering population of mentally defective persons, who are many of them dangerous, morally and physically, and criminal in their characteristics, it seems to us that there should be systematic notification—identification, if necessary, by finger-prints, and some authoritative control, by which they could be detained and made to labour according to their ability.

CHAPTER XXI.

Mental Defect in Relation to Habitual Inebriates.

415. Experience has shown that many cases of habitual inebriety, as dealt with under the Inebriates Acts, are clearly associated with mental defect, and the development of the procedure for dealing with inebriety throws some light on the methods that may usefully be adopted for dealing with feeble-mindedness. Till recently the law dealt only with its criminal or disorderly manifestations, which were punished by short terms of imprisonment, and only very slowly has the inutility of short sentences come to be recognised, and the attempt made to replace them by a system of detention that would be more likely to have a reformatory influence. In 1879 voluntary detention in a Retreat was permitted under the Habitual Drunkards Act of that year; but it was never likely that many would, without pressure or constraint, have recourse to self-detention in an institution for a fixed period. "Many habitual inebriates are as incapable of estimating the gravity of their condition as are persons legally insane. Very few are willing to acknowledge themselves to be inebriates at all, fewer still agree that their habits are sufficiently serious to render remedial measures necessary, and still less a number are willing to seclude themselves from all opportunity of obtaining liquor." In this sense the Act of 1879 has proved a failure. "About twenty Retreats are now in regular working order; and about 500 persons annually submit to detention therein." But the Act, as an experiment, has been useful. It has not sheltered and reformed any very large number of inebriates, and it has admittedly failed in its secondary object of securing families from ruin and misery arising from the misconduct of the bread-winner, but it has shown the necessity of compulsion, at least in regard to the large number of persons who commit crimes or misdemeanours under the influence of drink; and this has led up to the Inebriates Act of 1898.

Experience gained from Habitual Drunkards Act of 1879.

Branthwaite, Vol. I., 428.

Branthwaite, Vol. I. 427. 461. 466.

416. The Act of 1898 enables a Court under certain circumstances to commit an "habitual" drunkard for any period not exceeding three years to an inebriate reformatory for special treatment or control. Two classes are thus dealt with: the first consists of habitual drunkards who are convicted on indictment of offences punishable with imprisonment or penal servitude, provided that the Court is "satisfied from evidence that the offence has been committed under

The Inebriates Act 1898, and the establishment of Reformatories.

The Inebriates Act 1898, and the establishment of Reformatories—*contd.*

the influence of drink, or that drunkenness was a contributing cause of the offence." The second class consists of habitual drunkards who have committed any of the numerous offences mentioned in the first schedule of the Act (*e.g.*, been drunk in a public place; drunk and disorderly, etc.); and who, within twelve months preceding the date of the commission of the offence, have been convicted summarily at least three times of any of the offences so mentioned. To receive these classes of offenders, institutions of two kinds have been established. For any member of the first or second classes, there are "Certified Inebriate Reformatories," established by local authorities or public-spirited associations or individuals, and, for members of the first class and for the incorrigible members of the second class, there are "State Inebriate Reformatories." Still further classification, however, is necessary, for it is impossible to deal beneficially with inebriates of very different types in the same institutions. Labour in association and a considerable and graduated measure of freedom are important factors in reformatory treatment, and these are privileges that are in practice found to be impossible in the case of many committed inebriates irrespectively of their mental condition.

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Vol. I., 444.

Short sentences and detention.

417. In bringing the Act into operation difficulties have arisen from two causes. The first is the persistence of the feeling amongst some magistrates and police authorities that drunkenness should be dealt with merely punitively by short sentences; the other is the want of co-ordination between the action of the authorities who should supply the establishments required by the Act and the judicial authorities who have to try cases under the Act, and, if necessary, to commit to these establishments. In regard to the first question, in cases coming under Class I.—persons convicted on indictment of any offence which is punishable by imprisonment or penal servitude—it has to be shown that the offence was committed under the influence of drink, or that drunkenness wholly or partly caused the offence, and the prisoner must admit habitual drunkenness or be found by a jury to be an habitual drunkard. Comparatively few cases are dealt with in that way, only 237 out of 1,300 persons sent to reformatories.

Inebriates Act, 1898. Sec. I. (1).

Branthwaite, Vol. I 425, 438.

The other type of inebriate criminality, "Police Court recidivism," continues to be dealt with under the procedure of summary jurisdiction by short sentences. "Very many cases of attempted suicide, wounding, assault, malicious damage, and other similar offences, due entirely to drunkenness, are brought before Justices sitting in Summary Jurisdiction Courts and are dealt with by short terms of imprisonment, or are handed over to the care of friends. Reversion to drinking habits (and habitual drunkards nearly always revert after a short sentence of imprisonment) is almost invariably followed by a recurrence of the tendency to re-commital of the offence." Dr. Branthwaite, Inspector under the Inebriates Acts, said, "It seems to me more or less useless to treat such drink-caused crimes with punishment only, leaving the original cause as active as ever."

Vol. I., 439.

Vol. I., 439.

418. We have, then, this parallelism between the cases which we have been considering in relation to prisoners who are weak-minded and the cases of these habitual inebriate offenders. In both, the committals for an arbitrary period, be it for a short sentence of seven or fourteen days or for one, two or three years, are relatively inappropriate. Thus out of 1,012 cases only 510 were committed for the full three years' sentence. And the comment on this is:—

Report of the Inspector under the Inebriate Acts for the year 1903–1904. [Cd. 2285], p 22.

"There are possibly a few inmates who obtain benefit from one year in a reformatory; but in the large majority of instances so short a sentence means expense without adequate return. There are some who benefit fully from a two years' sentence, but not the majority, because the average period of actual detention in a Reformatory requires to be about that length of time, and a two years' sentence therefore leaves no margin for subsequent absence on licence. A three years' sentence affords the best chance of benefiting the largest number permanently."

But whether detention be ordered for one, two or three years, inebriates of the Police Court type who are confirmed recidivists and have been committed to Reformatories, have proved so little amenable to reformatory influence that it has seldom been found possible to allow them the privilege of release on probationary licence; in the bulk of these cases relapse is certain.

In other words, in the case of many inebriates detention at present has the undoubted advantage of saving society from the scandals and outrages that result from excessive drinking, but it does not lead to personal reformation. Short sentences and detention—*contd.*

419. The other difficulty, which is worthy of special consideration in relation to proposals for the care of the mentally defective, has been due to want of co-ordination between the authorities. Dr. Branthwaite said:— Want of co-operation between the Local Authorities and the Magistracy.

"In some parts of the country magistrates are fully alive to the advantage of substituting reformatory treatment for the useless fine and short sentence prison system which has failed so utterly to be either deterrent or curative. Some considerable difficulty has arisen owing to want of co-ordinate action between magistrates as the committing authority and county or borough councils, upon whom the duty rests of finding accommodation for the detention of committed cases. In some parts magistrates have desired to commit cases, but the local authority has declined to provide the necessary accommodation; in other places again where local authorities have made suitable arrangements, magistrates have failed to take full advantage of them. These difficulties, however, are of less prominence than they were at the start of the work." Branthwaite, Vol. I. 440.

420. We have thus had placed before us a system for the treatment of habitual inebriates which is in many ways analogous to that suggested for the care of mentally defective persons; and these points come to light. Where the aim is reformatory or curative, as well as in some measure penal, the short sentence is useless. Whether a term of years be fixed or not, the sentence, if good results are to follow, must be for such a period as will allow of the treatment proving itself effectual. Next, the system of voluntary detention has practically been set aside, so small is the number of those who take advantage of it—a matter of experience which appears largely to justify the adoption of a system of enforced segregation in the case of mentally defective persons, under which category many habitual inebriates admittedly come. Again, it appears that if any new organisation that may be proposed for the better care of the mentally defective is to work smoothly, it must be accompanied by much more efficient co-operation between the judicial and the administrative authorities. Any scheme for the care of the mentally defective must be so framed as to ensure unity of administration in the recognition and certification of cases on the one side and in the development of the provision required for them on the other. Suggestions for an improved method of dealing with mentally defective habitual inebriates.

421. These conclusions and comparisons are inevitable, when, as our evidence compels us to conclude, we consider that habitual drunkenness often indicates mental defect. One view which has been submitted to us, is that it lowers the vitality of the breed. "Alcoholism in one or both parents exerts its influence mainly by impairing the vitality of the children. . . . It has not any special tendency to beget a proclivity to drunkenness in the offspring, but in the manner indicated it has a distinct influence in the production of feeble-mindedness and epilepsy, and also by lowering the normal resistive power in the offspring, renders them liable to breakdown under various stresses later on in life and to become insane . . . As regards the insane generally in about 7 per cent., such a family history of alcoholism could be ascertained. . . . In cases of congenital mental defect, it was present in 12 per cent." Upon neuropathic persons alcohol acts quickly as a poison. "If a person possess a congenital mental defect or be already epileptic either he is unable to take it or, if he does take it, a moderate quantity is sufficient to precipitate insanity or greatly increase the number and severity of the fits; again, it incites ungovernable rage, followed by dangerous and criminal acts. The weak-minded, the epileptic, and every person with a faulty neuro-psychopathic family history should be taught to look upon alcohol as, to them, a poison." Thus many recidivists are detained in asylums not because they are "continuously and actively insane," but because it is proved that access to alcohol necessitates a quick return to the asylum. Dr. Carswell, formerly Chairman of the Inebriates Committee of the Glasgow Corporation, says: "Inebriety is more an incident of the mental life of the mentally defective than the cause of their mental condition"; and examining, out of many family histories, 150 cases of mental defect, in regard to which he was able to satisfy himself that he had collected historic data, Dr. Tredgold, Physician to the Littleton Home for Defective Children, found in 46·5 per cent. of the families a history of well-marked alcoholism; in 38·5 per cent. of the cases, combined with neuropathic inheritance; and only in 8 per cent. of the cases, irrespective of any neuropathic inheritance. Relation of habitual inebriety to mental defect.

Bond, Vol. I., p. 465, c. 2.
Cf. also Corner, Vol. I., p. 565, c. 2.
Mott, Vol. I., p. 453.
Hime, Vol. II., p. 518.
Passmore, Vol. II., p. 533, c. 2.
Bond, Vol. I., p. 467, c. 2.
Cf. also Savage, Vol. I., p. 358, c. 2.
Cunningham, Vol. III., p. 227, c. 1.
Norman, Vol. III., 22834.
Raw, Vol. II., 17905.
Wilson, Vol. I., 4499 and 4532.
Blandford, Vol. I., 9671.
Beresford, Vol. I., 5559.
Carswell, Vol. III., 21906.
Tredgold, Vol. I., p. 397.

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Chapter XXI.
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Relation of habitual inebriety to mental defect —*contd.*

Crichton-Browne, Vol. I., 6007.

422. But some go further and insist that habitual inebriety is itself a result of mental defect, and should always be so dealt with. Sir James Crichton-Browne, one of the Lord Chancellor's Visitors in Lunacy, defines a morally insane person as "one who, by reason of disease or disorder of the brain, has undergone a change of character manifested in a course of vicious or criminal conduct without obvious impairment of intellect," and quotes the dipsomaniac as an illustration: "A morally insane person, in whom the change of character is manifested in the drink craving, and in loss of control over it."

Quin Donald, Vol. III., p. 224, c. 1.

Dr. Quin Donald, Medical Superintendent of the Invernith Lodge Retreat, accepts this view. He believes that inebriates are mentally defective, "that is, they are not at times able to control themselves. It is a disease, in which a loss of mental balance takes place, and the fear of consequences does not deter; under its excitement, judgment and will-power are completely swept away, and natural affection is lost." But Dr. Clouston puts the case more definitely.

Clouston, Vol. III., p. 200, c. 1.

In relation to the question of the arrested and enfeebled mind, he has, he says, studied "the large number of other nervous conditions which are often seen along with it during the development of the human body, from birth to the age of twenty-five"; and after citing many of these diseases, "pathological cousins of congenital feeble-mindedness," which "are often mixed up with it in the same individual, and the same family," he says: "They have all in common as a chief predisposing cause bad brain heredity, or direct brain poisons in the parents, such as alcohol and syphilis. . . . In idiots and in the worst forms of congenital imbecility, as in many of the pathological cousins which I have enumerated, quite marked and unmistakable changes in certain portions of the brain, as compared with its normal condition, are seen. Advances in modern microscopical science have enabled us to make out such changes." According to this view, alcoholism, the poisoning of the body by repeated doses of alcohol, affects the brain organically, and produces definite mental disease.

Clouston, Vol. III., p. 200, c. 1.

We are not called upon to decide between the various well-known opinions which are held regarding the causal relationship of alcoholism and mental defect, still less between conflicting views concerning the possibility of alcoholism in the parents having any direct action on the germ or the organism of the offspring, and thus affecting the well-being of the race. Many opinions on these points have been submitted to us: definite conclusions could only be justified if we had embarked upon a prolonged and highly technical enquiry which we regarded as mainly outside our reference and destined in all probability to be incomplete. It is sufficient to insist on the salient and incontrovertible facts that many inebriates are mentally defective; that many mentally defective persons are specially liable to suffer speedily, seriously and permanently from the effects of alcohol; and that in any case alcohol in the parent leads practically to many evils in the family by destroying the organisation of the home and bringing about neglect, ill-treatment, starvation and disease among the children. And, of course, prolonged alcoholism in an individual is, beyond controversy, a frequent cause of that individual's mental deterioration.

The proportion of the mentally defective among habitual inebriates.

423. Dr. Fleck, the superintendent of the Brentry Certified Reformatory reported to us that an examination of patients there showed that the physical peculiarities which have become recognised as being associated with mental defect, though not so evident amongst inebriates as they are amongst idiots and imbeciles, were, yet in a less degree, evident amongst the patients there, while "the actual mental conditions of these cases confirmed these physical indications." Of 771 cases admitted to Brentry, of all of whom careful records had been kept, 30 per cent. only were "of fair mental capacity, and capable, but for their drunken habits, of earning their own living." With regard to the remaining 70 per cent. he says: "I cannot conceive the possibility of their ever acquiring sufficient self-control to be able to keep them from drunkenness and support themselves." A small percentage of them have been found "certifiably insane"; another small percentage are epileptics, and in the rest the actual defect is undoubted but it shows itself in many different ways in different individuals. Dr. Gill, of the Langho Inebriate Reformatory, estimates the mentally defectives at 50 per cent. Dr. Winder, of the State Inebriate

Fleck, Appendix, Vol. V., p. 242.

Gill, Appendix, Vol. V., p. 243

Reformatory at Aylesbury, to which "the most violent and troublesome" of all the persons committed under the Inebriates Act of 1898 are sent, says that "the greatest difficulty is experienced in distinguishing between those patients who are violent and vicious as the result of mental instability, and those whose bad conduct is due to their own evil courses. . . . Certainly not more than 2 or 3 per cent. of our inmates are of absolutely sound mental capacity." Out of 167 patients received since 1901, ten have proved "certifiably insane"; and 25 per cent. of the whole number are "definitely and undoubtedly feeble-minded high grade imbeciles for the most part and lunatics in all but actual delusions."

The proportion of the mentally defective among habitual inebriates—*contd.* Winder, Appendix, Vol. V., p. 244.

He continues:—

"If, however, the term "feeble-minded" is to be extended over a broader basis, and made to include all those individuals who are abnormally excitable, subject to attacks of uncontrollable temper, perverted morally, inconsequent in ideas, of feeble reasoning powers, and unable to acquire knowledge beyond the most rudimentary principles, then nearly all might be classed as feeble-minded, but certainly over 70 per cent. should be so defined. They are so mentally unstable as to be incapable of earning their livelihood on equal terms with their normal fellows."

424. A return of the mental condition of habitual inebriates obtained from the records of cases of persons committed to reformatories under the Act of 1898, "where they are kept under conditions which afford perfect opportunity for close observation," confirms this general conclusion. It is as follows:—

Report of Inspector under the Inebriates Acts for the year 1905 [Cd 3246], pp. 9-10.

Classification according to mental state.	Number in each Class.	Percentage to Total Number of Persons admitted to Reformatories.
(1.) Insane—Certified and sent to asylums - - -	48	17·0
(2.) Very defective—Imbeciles, degenerates, epileptics -	271	62·7
(3.) Defective—As above, but less marked, eccentric, silly, dull, senile, or subject to periodical paroxysms of ungovernable temper.	857	45·7
(4.) Of average mental capacity—On admission, or after six months' detention.	697	37·3
Total Admissions - - - - - -	1,873	—

425. The following paragraphs explain the table:—

Explanation of classification adopted.

Some of the forty-eight persons classified in the above table as insane were found to be suffering from delusions when admitted to reformatories, others were in an excited state which gradually developed into mania, a third section of these persons were obviously demented, a fourth melancholic and suicidal, a fifth epileptic with periodical attacks of mania and a sixth were the subjects of recurrent mania which developed and subsided, in some cases, two or three times during their period of detention as inebriates. All these insane persons were admitted to reformatories as "habitual inebriates" and would have continued to be treated as such had they not been subjected to the closer and continued observation possible in reformatories. All were eventually sent to asylums, and many are now permanently insane.

Report of Inspector under the Inebriates Acts, for the year 1905 [Cd. 3246], p 10.

The "very defective" and "defective" classes may reasonably be considered together; the characteristics of each are the same, the only difference being one of degree. "Defective," in the sense used here, includes every person admitted to reformatories who has been considered much below an average standard of mental capacity but insufficiently so (in the opinion of general medical practitioners and magistrates) to justify a certificate of insanity, or only now and then certifiably insane during short transient paroxysms. Nearly all the 1,128 cases included in these two defective sections have given evidence of possessing some of the peculiarities in cranial conformation, general physique, and conduct, which have long been recognised as evidence of congenital defect. The smaller number of persons, where signs of early defect are wanting, are probable instances of brain degeneration produced by persistent alcoholism, advancing nervous disease, senility, or other cause.

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Application of the general scheme to cases of mentally defective inebriates.

426. We may conclude, then, that probably some 60 to 70 per cent. of the habitual inebriates who are dealt with under the Acts are mentally defective, and for these we have to consider what, if any, provision should be made other than that which now exists, and, as part of this question, whether the general system which we recommend for dealing with the mentally defective is applicable to this class of mentally defective inebriates. The legal definition of an inebriate in the Act of 1879 is :—

See. 3 (3) (*b*).

"A person who, not being amenable to any jurisdiction in lunacy, is notwithstanding, by reason of habitual intemperate drinking of intoxicating liquor, at times dangerous to himself or herself or to others, or incapable of managing himself or herself and his or her affairs."

This definition some of our witnesses desire to alter by including in it the habitual and intemperate use of drugs. But that question apart—for it lies outside our reference—the definition, we note, distinguishes inebriates from lunatics, and yet it makes use of some of the defining words of the Lunacy Act of 1890, and regards inebriates as "incapable of managing themselves and their affairs." This is practically to classify them, at least in great part, as a sub-class of the mentally defective. And the evidence which we have taken supports alike this conclusion and the definition which we have drawn of habitual inebriates, so far as inebriety is associated with mental defect. That definition would exclude the 30 or 40 per cent., or whatever it be, of inebriates who are not mentally defective, but it would include all inebriates who are mentally defective, such as imbeciles, feeble-minded, moral imbeciles and others.

Lunacy Act, 1890, Secs. 90 and 116.

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The mental deficiency of many inebriates has become patent only recently and since large numbers of them have been in detention and under close and skilled observation for sufficiently long periods. When fines or short sentences of imprisonment were the only methods of dealing with repeated offences of drunkenness, opportunities did not exist for ascertaining and demonstrating the latent cause of their criminal manifestations, though the medical officers of prisons and workhouses and other experts, as well as many theorists, anticipated our present knowledge.

Now, obviously, if our recommendations are adopted, it will be necessary to amend the Inebriates Acts and to provide that the committees of the county and borough councils should be placed under the obligation of dealing with all mentally defective inebriates. Also, the words of the definition of the Act of 1879 "not being amenable to any jurisdiction in lunacy" would have to be modified; for, if an habitual drunkard was certified as mentally defective, he would be amenable to "a jurisdiction," if not, "in lunacy," yet in mental defect, should the amending Act which we recommend for the care and control of the mentally defective be passed.

Recommendation XCI.

Recommendation II.

The Provision made under the Inebriates Acts in relation to the proposed scheme.

427. This raises, no doubt, the question whether it is worth while to preserve the provisions of the Inebriates Acts and the elaborate system which has grown up under them for the smaller number of habitual inebriates who are not, apparently, mentally defective. As we have pointed out, the institutions for inebriates are of two kinds: the certified inebriate reformatories and the State inebriate reformatories. Both may be in part adapted to new requirements. The chief aim of the certified reformatories is the improvement of the physical, mental, and moral state of those admitted to them. For these purposes reasonable freedom in association with continuous and healthy work is essential. The function of the State inebriate reformatories, two of which have been established by the Government, is somewhat different. It is to provide under the closest superintendence for the detention of habitual inebriates, both men and women, who are troublesome, refractory, and violent, and who have been admitted to these institutions because they have been proved to be unfit for the conditions of life in the certified reformatories. The State reformatories are custodial institutions which approximate to the condition of prisons. The certified reformatories retain the characteristics of the reformatory system. Both classes of institutions might continue to be used for mentally defective inebriates, and they might be brought under the inspection of the Board of Control. In so far as they continue to deal with persons convicted under the Inebriates Act, 1898, they would be maintained largely by the Government as at present. In so far as they might deal with cases of mentally defective

inebriates under reception and other orders, apart from the Inebriates Act, those admitted to them would be paid for by the local authority, who would contract for their maintenance as in other cases for which it did not directly provide. At present a weekly grant of 16s. is made by the Treasury in respect of each case committed under Sec. 1 of the Act of 1898, viz., inebriates who have been convicted, on indictment, of crime attributable to drink; and a weekly payment varying from 7s. to 10s. 6d. is made according to circumstances in respect of cases under Sec. 2, viz., inebriates who have been frequently convicted at police courts for the offence of drunkenness. The higher sum which is paid for the first class of cases practically covers the whole necessary expense of maintenance; and it is granted, no doubt, on the theory that persons convicted under Sec. 1 are criminals who would otherwise be maintained at the expense of the Government in convict or local prisons; while the other cases, those under Sec. 2, are cases dealt with at what might be considered adult reformatories, and a Government grant is paid for them on that basis. We think, however, that this distinction is hardly real; and we would suggest that in all the cases of persons who are dealt with under the Act of 1898, or under an amending Act, and who are maintained in State or certified reformatories, the Government contribution should not fall below one-half of the necessary cost involved in the detention and licensing of inmates.

The Provision made under the Inebriates Acts in relation to the proposed scheme —*contd.*

428.—Our conclusions in regard to mentally defective inebriates are as follows:—

General conclusions as to mentally defective inebriates.

(1) That the powers and duties of the county committees and of the Board of Control should extend to mentally defective inebriates as well as to other classes of the mentally defective.

(2) That the licensing and inspection of institutions which are established for the reception of mentally defective inebriates, or in which mentally defective inebriates are received devolve on the Board of Control.

(3) That county and county borough councils be placed under a legal obligation to provide accommodation for mentally defective inebriates, or to contribute towards the provision of such accommodation, and to contribute to the maintenance of mentally defective inebriates, including any such inebriates as a criminal court may think proper to commit to an institution established for the care and control of this class.

(4) That the Inebriate Acts be amended so as to facilitate the committal to suitable institutions of persons who are shown to the satisfaction of a criminal court to be mentally defective inebriates.

(5) That the processes of Reception Orders and all other methods applicable to other forms of mental defect be extended to mentally defective inebriates.

(6) That the existing system of Treasury contributions payable to State and certified inebriate reformatories be continued.

CHAPTER XXII.

Reformatory and Industrial Schools in Relation to Mentally Defective Children and Young Persons.

429. One scheme which has been submitted to us by several witnesses is the expansion of the industrial school system in such a way as to meet the needs of the mentally defective. This proposal, when more completely stated, was the establishment of special schools or classes under the Elementary Education (Defective and Epileptic Children) Act, which was to be made compulsory; the institution of special homes or special industrial schools to which children should be sent on leaving the special schools; the committal of children and young persons to these special industrial schools, under the terms of the Industrial School Acts; and finally for adults, similar institutions not unlike the certified reformatories established under the Inebriates Act of 1898. In estimating the utility of such a scheme we have to consider the essential features of the industrial school system.

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The industrial school system considered from the point of view of the provision necessary for the feeble-minded.

430. The industrial and reformatory schools may be looked upon as the senior and the junior schools for children and young persons who are in danger of falling into crime or who have committed certain crimes and offences for which, if they were adults, they would be punished by imprisonment; but, since they are minors, and by presumption, therefore, not of an age sufficient to judge of the nature of their wrong doing, and are brought under educational and reformatory influences, they are not treated as wholly responsible persons.

Legge, Vol. I., 1163, 1165.

Feeble-minded children or young persons may be considered non-responsible by reason of defect of brain: these are so considered by reason of immaturity of mind. It follows that instead of a short sentence they receive a sentence for a comparatively long period. Less stress is laid on punishment than on reform; and for the reform of juvenile offenders, it is admitted that a long sentence is necessary, combined with a period of licence, in order to bring the delinquent back

Legge, Vol. I., 1167.

to normal life, by degrees, and under supervision. Hence, in these schools detention has been increased from not less than three to not more than five years, a period which at any rate is deemed sufficient for reform.

431. In the case, however, of children or young persons who are mentally defective, reform, in the sense of influencing and educating them in such a way that they become normal members of society, is in most instances impossible. They can only develop within the limits of their defective or retarded brain power. Hence for them not a definite time-limited sentence, but a supervision that may be extended for a long time, sometimes for life, may in many instances, be required.

432. Lastly, the Industrial Schools Acts recognise chiefly two causes as predisposing to crime: the want of proper control and care on the part of parents and relations, and the falling of the child into bad company—that of thieves, prostitutes, etc. In the case of the feeble-minded there are the same evil surroundings to be dealt with, but the children, though withdrawn from their evil

Legge, Vol. I., 1180.

surroundings, cannot rally like normal children, "the very cream of the juvenile street population of the country." Yet to withdraw them from such surroundings is at least equally necessary; and for them equally are required the "extensive powers granted to managers to dispose of children without their parents' consent under the Act of 1891."

Legge, Vol. I., 1167.

Feeble-minded juvenile offenders should have at least as much protection as other juvenile offenders who are sent to industrial schools. At present they do not have this protection. Feeble-minded children are in general excluded from industrial schools, or, if they are admitted, are usually discharged. Yet probably there are in the schools from 1 to 4 per cent. of these children. Mr. Legge, then His Majesty's Inspector of Reformatory and Industrial Schools, stated that as a result of inquiry made in November, 1904, it was found that 1·25 of the 4,876 inmates in such schools were feeble-minded. Mr. Legge stated that if he were forming an estimate he would be inclined to nearly treble the figures.

Raw, Vol. II., 18145.
Legge, Vol. I., 1192. 1197.
O'Farrell, Vol. III. 22121.

Medical Investigators' Reports, Vol. VI., p. 44.

The figures reported by our Medical Investigators in Manchester, Glasgow, Belfast and Dublin show percentages of 4·6, 1·5, 1·5, and 2·48 respectively. These numbers at least equal if they do not exceed the numbers of the mentally-defective children in ordinary elementary schools in urban districts. And the tendency is to clear the industrial schools of hopeless cases, as educational

Legge, Vol. I., 1191. 1197. 1198. 1267. 1270.

requirements have become more stringent. Hence either feeble-minded children are excluded or, if considered educationally hopeless, they are discharged from industrial schools; and in either case when they have to be discharged from the industrial schools, they "find their destination in the union," either as deficient or imbecile.

For this result, the managers can hardly be blamed. They have to consider the discipline and industrial education of the larger number of the children whom it is their chief duty to train; and in existing circumstances it is only possible for them to reject or discharge those who cannot be properly taught in an industrial school, and who, if they remain, are a hindrance to the rest of the inmates.

433. In these circumstances, it is not surprising that many witnesses considered that the industrial school system would need much amendment, if it were to be made a suitable method for the care of mentally defective children. They desired what they called a special industrial school or an industrial home or colony, which would be, as Sir James Russell put it: "more of a medical institution than an industrial school." And institutions of this kind managed on the effectual and economical methods in force at many industrial schools we would strongly recommend.

The Industrial school system considered from the point of view of the provision necessary for the Feeble-minded—*contd.*
Legge, Vol. I., 1198.
Wilkinson, Vol. II., 12766.
Raw, Vol. II., 18190.
Grayson, Vol. II., p. 349, c. 1. 16957, 16967.
Russell, Vol. III., 23764.

434. But the unprotected and uncared-for state of mentally defective children and young persons in regard to which we have to make proposals require, we think, a more extensive and more specialised administration than the mere adaptation of the industrial school system to a new purpose would allow. It would not serve, we believe, as a sufficient centre for the grouping of the various institutional and other arrangements necessary for the care and control of the mentally defective. It could not form a sufficiently strong organisation for guiding, utilising and in some measure unifying the efforts and endeavours that should be made for their protection. A comprehensive central administration linked to active and well-supported local authorities is required for that object. Only in this way can the continuous treatment of mentally defective persons be ensured, and the disconnection between departments which deal with them at different periods of life, or in different circumstances be avoided—the disconnection between the special school which is under the educational authority, the workhouse under the Poor Law guardians, the special industrial school or home for adults, which some suggest should be certified by the Secretary of State, and the hospitals or asylums for the unsound in mind which are under the Lunacy authorities.

Motion, Vol. III. 21804.
Sutherland, Vol. III. p. 239, c. 1.
Urquhart, Vol. III., 24460.
Russell, Vol. III., 23762. 23764.
Rainsford, Vol. III., 22466–22469.

435. Yet as a precedent the Reformatory and Industrial Schools Acts are valuable. They recognise the right of the non-responsible offender to special disciplinary and educational treatment. They are based on the principle of long committals with a view to the fulfilment of their special purpose. They justify the enforcement of the care of a child by the disposal of it, when the circumstances of the family require such action, without the parents' consent, and even the enforcement of tutelage for an indeterminate period, a line of intervention adopted by the Poor Law Act, 1899, which, subject to various conditions, permits a board of guardians, by resolution to vest themselves with the rights and powers of the parents until the child is of the age of eighteen. They furnish an example of successful co-operation between the State and local authorities on one side, and voluntary help and agencies on the other, with the result that many institutions, large and small, become on economic lines useful adjuncts and assistants in public administration.

Legge, Vol. I., 1167.
Legge, Vol. I., 1274. 1275.
Recommendation XLIX.
Legge, 1177. 1246. 1249.

CHAPTER XXIII.

Mental Defect and Criminal Responsibility.

436. Repeatedly, in the evidence which we have received, reference has been made by witnesses to the difficult questions which arise in criminal procedure in regard to uncertified or uncertifiable cases of insanity or mental defect. Mr. Troup, now Permanent Under-Secretary of State to the Home Department, who has had much experience in the criminal department of the Home Office, says:—

"Uncertified" mental defect and responsibility.

"There are cases where weak-minded persons commit crimes, and they are not certifiably insane. They cannot, strictly speaking, be found insane under the law as laid down in Macnaghten's case, or under the law as ordinarily administered, and yet they are from weakness of mind really not wholly responsible. You cannot say that they are insane, and yet the state of their mind is such that they ought not to be set at liberty and allowed to commit further crimes of the same sort."

Troup, Vol. I., 1322.

"Uncertified" mental defect and responsibility—*contd.*

Sir James Crichton-Browne, one of the Lord Chancellor's Visitors, in Lunacy says :—

Crichton-Browne, Vol. I., 5985.

"There are undoubtedly numbers of persons who are not idiots or lunatics, or at least who are not regarded as either—persons of weak mind who are socially dangerous. In the affluent classes, there are numbers of weak-minded lads. I have known murders perpetrated by lads of that character, who were not thought to be certifiable, but allowed to go about uncertified though obviously weak-minded. Among the poorer classes, there are, no doubt, great numbers of morally incapables who are not certified, and who are moving about and are socially dangerous."

And Mr. Shadwell, one of the Commissioners in Lunacy, states that the question whether a person is or is not a lunatic, though he may be feeble-minded, often arises. Information is received that persons are being detained as lunatics. Inquiry is made by a medical man in regard to the place where they are being kept; and the report is that some of them are certifiable and some are not. He adds :—

Shadwell, Vol. I., 1545.

"Then we find a great difficulty in proving that they are certifiable. . . . I remember a case in which we prosecuted, and the defendant pleaded guilty, and yet we could not get one of the patients whom he had been detaining certified. . . . If they are not lunatics, and if they are not under the Idiots Act, they are uncared for by the State."

1613.

437. We find therefore—and there is evidence in regard to it from all quarters—that, while there is a large class of mentally defective persons who are certified as lunatics, and can thus be detained and receive the protection of the State, there is also another larger class of persons who can often be hardly distinguished from the "certifiably insane," who are "morally incapable," "socially dangerous," and "obviously weak-minded," who are "not thought to be certifiable," and who "from weakness of mind are really not wholly responsible." "Lunatic," according to the Lunacy Act of 1890, "means an idiot, or person of unsound mind"; and a person found to be in that condition is legally recognised as irresponsible. Questions arise accordingly, whether the condition of being irresponsible should not also attach to other mentally defective persons besides certified lunatics.

Crichton-Browne, Vol. I., 5985. Troup, Vol. I., 1322.

The ascertainment of conditions of unsoundness of mind, or irresponsibility.

438. On these points, we have three precedents: (1) The procedure under the Lunacy Acts of 1890 and 1891; (2) the procedure under the Criminal Lunatics Acts, 1800 and 1858, and the Trial of Lunatics Act, 1883; and (3) the procedure under the Habitual Drunkards and Inebriates Acts, 1879 and 1898. These we would submit in turn, and then (4) we would discuss the question of procedure in relation to the mentally defective charged with crime at Assizes and Quarter Sessions and in courts of summary jurisdiction, and finally, some suggestions that have been made to us for dealing with mentally defective offenders by indeterminate sentences.

Conditions which Imply a State of Insanity and Irresponsibility.

(1) Procedure under the Lunacy Acts, 1890–1.

(*a*) *The Procedure by Reception Orders.*

Procedure under the Lunacy Act of 1890.

439. We have before us, then, two questions: what are the various conditions which, according to present law and procedure, constitute insanity, or "unsoundness of mind," with the irresponsibility which may attach thereto; and, if irresponsibility is suggested in relation to some criminal act, what is the procedure to be adopted, in order that the allegation of irresponsibility may have due weight both in regard to the conviction and sentence, and also in regard to the after treatment of the individual.

The procedure by private application on petition, and the principle it represents.

Lunacy Act, 1890, Sec. 4.

440. In the case of an alleged "lunatic," or an idiot, or a person of unsound mind, under the Lunacy Act of 1890, one form of procedure is a private application which is made on petition, and accompanied by two certificates of medical men, and, if the application be successful, an order for detention by a judicial authority follows. The petition is presented to the judicial authority by "the husband or wife or by a relative of the alleged lunatic," or, if not so presented, it must contain a statement of the reasons why the petition is not so presented and of the connection of the petitioner with the alleged lunatic, and the circumstances under which he presented the petition. A statement of particulars accompanies the petition, and, as much turns on the general use of some such document in connection with the care and control of the mentally

defective, we state the questions which it contains rather fully: Name, sex, and age; married, single or widowed; rank; profession or previous occupation (if any); religious persuasion; residence; whether first attack; age on first attack; when or where previously under care and treatment as a lunatic, idiot or person of unsound mind; duration of existing attack; supposed cause; whether subject to epilepsy; whether suicidal; whether dangerous to others and in what way; whether any near relative has been afflicted with insanity; names, Christian names and full postal addresses of one or more relatives of the patient; names, etc., of persons to whom notice of death should be sent, and of the usual medical attendant. By its form, the medical certificate requires each of the medical practitioners to vouch that "separately from any other practitioner he has personally examined the alleged lunatic and come to the conclusion that he is a (lunatic, an idiot, or a person of unsound mind), and a proper person to be taken charge of and detained under care and treatment"; and he has to state that he has "formed this conclusion on the following grounds, viz.: (*a*) Facts indicating insanity observed by himself at the time of examination; and (*b*) facts communicated by others." Lastly, the judicial authority, that is a justice appointed under the Lunacy Act, 1890, a judge of county courts or a stipendiary magistrate, or a magistrate appointed to act at any of the police courts of the Metropolis, authorises the medical superintendent of an asylum, hospital, etc., to receive the patient on the understanding that the petitioner will visit him or see that he is visited once at least in every six months.

The procedure by private application on petition, and the principle it represents—*contd*

441. Here the recognition of the condition of lunacy is a private matter, starting from the application, if possible, of some members of the family, and the application is set forth in a kind of historical record, that touches on "supposed causes" and suggests "heredity," but it is explicit on four critical points: the nature of the "attack"; whether the mental defect has shown itself in the past and is recurrent; whether it is suicidal; and whether it is dangerous to others. The principle then which underlies this method is: to ascertain the nature of the mental defect with especial reference to its being a cause of danger to the man himself or to others; and this defines the state of mind that involves detention or exclusion from society.

"Being a cause of danger to oneself or others."

442. The same principle runs through the other modes of procedure under the Lunacy Act, 1890. In the case of the urgency order, which authorises detention for seven days only, the requirements of the Act are similar, but one medical certificate is dispensed with, and urgency of detention is recognised, either on the ground of the welfare of a person (not a pauper) who is alleged to be a lunatic, or on the ground of the public safety. So, again, in the summary reception order. Under it, the public authority, "the constable, relieving officer and overseer," intervenes. It refers to a person who is "deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care and charge of him." In this case detention is adopted out of regard to the public safety or the better personal care of the lunatic; and, here again, the public safety is the reason for detaining the alleged wandering lunatic as a "proper person to be detained."

The Urgency Order, and the Summary Reception Order. Lunacy Act, 1890, Secs. 11 and 13.

Secs. 15 and 16.

443. And the principle of detention once accepted, the reception order may mark the beginning of a protracted period of detention and supervision. It remains in force "for a year . . . and thereafter for two years, and thereafter for three years, and, after the end of such periods of one, two, and three years, for successive periods of five years, if at the end of each period . . . a special report of the medical officer of the institution or of the medical attendant . . . is sent to the Commissioners certifying that the patient is still of unsound mind and a proper person to be detained under care and treatment."

Principle of continuing and renewable detention under a Reception Order. Lunacy Act, 1890, Sec. 38.

444. We have, therefore, under the Act of 1890, simple methods of intervention for the detention of persons of unsound mind, lunatics or idiots, on private petition or public statement, on the ground of the ill-treatment or neglect of the patient himself, and on the ground of his being a danger to himself or a danger to others. For necessary information, we have the statement

Principle of continuing and renewable detention under a Reception Order.—*contd.*

of particulars, as record or dossier, and the evidence of the medical practitioner, based on facts observed at the time of examination and on facts reported to him. And, as agents necessary to the detention, are the private relative, the public authority, the medical practitioners, and the judicial authority. We have here, then, one series of precedents which have been accepted as sufficient to place an individual outside the circle of normal responsibility and to deprive him of rights which he would otherwise enjoy.

(b) Procedure by Inquisition.

Procedure by Inquisition. Inability to manage oneself and one's affairs.

Lunacy Act of 1890, Sec. 90. Sec. 91. Sec. 92.

445. The next form of procedure is that by inquisition. "The Judge in Lunacy may, upon application, by order, direct an inquisition whether a person is of unsound mind and incapable of managing himself and his affairs." The alleged lunatic may demand an inquiry before a jury, and the Judge has to allow it, "unless he is satisfied, by personal examination of the alleged lunatic, that he is not mentally competent to form and express a wish for an inquisition before a jury." And if the Judge does not direct the return of a jury, "the Masters in Lunacy shall, without a jury, personally examine the alleged lunatic, and take such evidence, upon oath or otherwise, and call for such information as they think fit or the Judge directs, in order to ascertain whether or not the alleged lunatic is of unsound mind, and shall certify their finding thereon." There follows a further direction :—

Lunacy Act, 1890, Sec. 98.

"(1) The inquisition shall be confined to the question whether or not the alleged lunatic is, at the time of the inquisition, of unsound mind and incapable of managing himself or his affairs, and no evidence as to anything said or done by him, or as to his demeanour or state of mind at any time, being more than two years before the time of the inquisition, shall be receivable in proof of insanity.

"(2) If, upon such inquisition, it appears that the alleged lunatic is of unsound mind, so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangerous to himself and to others, it may be so specially found and certified."

Here, with a different procedure, comes a new distinction: incapacity to manage himself and his affairs, or capacity to manage himself (without being dangerous to himself or others) but not to manage his affairs.

Criteria of unsoundness of mind.

446. We have, then, outside our Criminal Courts, the different criteria of unsoundness of mind, viz., a danger to oneself or a danger to others; an incapability of managing oneself and one's affairs; an incapability of managing one's affairs combined with a capability of managing oneself—without being a danger either to oneself or to others; and "when this special finding is come to by a jury, it is not necessary, unless in the discretion of the Judge it appears proper to do so, to make any order as to the custody or commitment of the person of the lunatic."

Fischer, Vol. I., p. 155, c. 1.

(c) Procedure as to Management and Administration of Property.

Management, and administration of property under Sec. 116 of the Lunacy Act, 1890.

447. Another method of procedure which has been much discussed by witnesses, is contained in Sec. 116 of the Lunacy Act, 1890, which refers to to management and administration of property. This section allows to persons found lunatic by inquisition, or to persons lawfully detained as lunatics, in the ways above mentioned, the benefit of the management and administration of their property, if any, by the Judge in Lunacy; but it also extends these benefits to persons who are not so found and not so detained; and thus, for purposes of administration, it creates a further class of mentally defective persons whom in this regard, it brings under the protection of the law. The new classes which it creates are defined in the two subsections following :—

Lunacy Act, 1890, Sec. 116 (*d*) and (*e*).

(*d*) Every person not so detained and not found a lunatic by inquisition, with regard to whom it is proved to the satisfaction of the Judge in Lunacy that such person is, through mental infirmity arising from disease or age, incapable of managing his affairs.

(*e*) Every person with regard to whom it is proved to the satisfaction of the Judge in Lunacy by the certificate of a Master, or by the report of the Commissioners, or by affidavit or otherwise, that such person is of unsound mind, and incapable of managing his affairs, and that his property does not exceed £2,000 in value, or that the income thereof does not exceed £100 per annum.

448. These subsections, as compared with the rest of the Act, open out quite new ground. A very simple procedure suffices. In a case under Subsection (d) a notice is issued by a solicitor to the person alleged to be mentally infirm, with a summons, stating that "orders may be made that you are through mental infirmity arising from disease [or age], incapable of managing your affairs for the purpose (state the purpose, *e.g.*, of rendering your property or the income thereof, available for the maintenance or benefit of yourself *or* of yourself and your family, or for carrying on your trade or business), and that if you intend to object to such orders being made, notice of such objection must be signed by you, and attested by a solicitor." Then if the Judge is satisfied, the orders are made. The other subsection (*e*) has an even wider range, but by it proof is required, though it be "by affidavit" only, or "otherwise," both of unsoundness of mind, and of incapacity to manage one's affairs, and it applies to all such persons whose property does not exceed £2,000 in value, or where the income thereof does not exceed £100 a year.

Management and administration of property under Sec. 116 of the Lunacy Act, 1890—*contd.*
Rules in Lunacy (1892), 48-56 inclusive.
Form 10.
Lunacy Act, 1890, Sec. 116 (*e*).

449. A non-lunatic class is thus included in the Act,—those who are mentally infirm, and are, owing to age, incapable of managing their affairs, but who are not detained. The "senile dement" is therefore recognised as a separate class with the incapacity of managing his own affairs as the sole criterion of his incapacity or mental defect. Also all cases of similar incapacity owing to disease are included—another very large class indeed. The conditions are incapacity and consequent limits of control, and are thus extended—so far as it is a question of the management of affairs—to two large classes of the "uncertified"; and that, by a simpler procedure than in other cases, and in such a way as not to involve detention.

(2) Procedure under the Criminal Lunatics Acts, 1800 and 1838, and the Trial of Lunatics Act, 1883.

450. Our next point is to ascertain whether the principle of irresponsibility and the extension of State protection with detention is, in the Criminal Lunatics Acts, applied still further. The words of the preamble of the Act of 1800 (which has now been repealed) refer to persons charged with "high treason, murder or felony who may have been, or may be, of unsound mind at the time of committing the offence wherewith they may have been or shall be charged, and by reason of such insanity may have been, or may be, found not guilty of such offence; "and," the paragraph continues, "it may be dangerous to permit persons so acquitted to go at large." This state of unsoundness of mind indicates a state of irresponsibility, for, if the unsoundness prevailed at the time of the committal of an offence, the person cannot be considered guilty, and cannot therefore be subject to punishment; but, being dangerous, he ought to be confined. What, then, in these cases are the accepted criteria of criminal irresponsibility, and what is the procedure? Mr. Troup says:—

Responsibility for criminal offences in relation to unsoundness of mind.

"I propose to take first the treatment of insanity in criminal procedure. When there is a prosecution for any serious crime, the question of insanity does not arise before the magistrates, nor before the Grand Jury. If there is a *prima facie* case of a crime having been committed, then the magistrates are bound to commit for trial without regard to the question of the prisoner's sanity, and the Grand Jury have to find a True Bill. The question of insanity may arise first on arraignment, that is, when the prisoner is formally accused and required to plead guilty or not guilty. The question may then be put to the jury whether the prisoner is so insane as to be unable to plead. They have, in that case, to determine his mental state in reference to the proceedings; whether he is able to understand the proceedings. If they find that he is so insane as not to be able to plead, the Court makes an Order that he shall be detained during His Majesty's pleasure. If the prisoner is fit to plead, then the question of insanity may come up on the trial for the offence on its merits. Then the defence may be that the prisoner committed the offence while insane. This is a question which is to be decided in each case by the jury in accordance with the law as to criminal responsibility."*

Troup, Vol. I., 1318.

We may here state that in employing the words "criminal responsibility," we use them in the strict legal sense of "liability to punishment."

Cf. "Criminal Responsibility," (Mercier, Clarendon Press), for a full discussion on the subject.

* At common law, if a person was insane at the time of committing what would otherwise be an offence, he was entitled to be acquitted; and so, under the Criminal Lunatics Acts, 1800 and 1838, until the Trial of Lunatics Act, 1883.

Responsibility for criminal offences in relation to unsoundness of mind—*contd.*

451. Thus, in any serious case, the committal for trial is made without regard to the alleged insanity. If, in the opinion of the jury, the prisoner is so insane as to be unable to plead, he is detained during the King's pleasure—a kind of indeterminate sentence, dependent not on the committal or non-committal of the crime, but on the state of the prisoner's mind as insane. If that state of mind disappears, he is considered able to plead, and the question of his insanity has then to be considered anew by a jury. So far, one might sum up the position thus: the insanity on arraignment does not modify the guilt of the offence, if the offence were committed: it excludes for the moment the trial of the issue whether there be guilt or not: the prisoner cannot then and there be made responsible: in that state he cannot be found either guilty or not guilty. On the other hand, if he becomes sane, he becomes responsible, and in theory the prisoner may be put on his trial, but in practice this is very rare, and, indeed, generally impracticable.

Lunacy Act, 1890, Sec. 341.
Troup, 1319.
Answers of the Judges in the Macnaghten case.

452. What, then, from the point of view of criminal responsibility, is the touchstone of insanity, or in other words of being lunatic or "an idiot or person of unsound mind?" To establish a defence on the ground of insanity, it must be clearly proved that "at the time of committing the act the accused was labouring under such a defect of reason from disease of the mind as not to know the nature and quality of the act he was doing; and, if he did know this, that he did not know that he was doing what was wrong."

Troup, 1319.
The Trial of Lunatics Act, 1883, Sec. 2.
Troup, 1321.

Trial of Lunatics Act, 1883, Sec. 2.

Hansard's Debates, 3rd Series, Vol. 283, p. 922.

453. From the criminal point of view, then, lunacy is a state of mind in which "the person does not know the nature and quality of the act he was doing"—for this ruling of the judges on the general reference to them in the Macnaghten case in 1843 is still generally accepted—or, the alternative assumption, "if he did know this, he did not know that he was doing what was wrong." And the verdict is then either "guilty but insane"—he committed the act, but was not responsible for it; or "guilty"—he committed the act and was responsible for it. The Trial of Lunatics Act, 1883, substituted for the verdict of acquittal on the ground of insanity this special verdict, on the assumption, it was stated by the Attorney-General (Sir Henry James, now Lord James of Hereford), that "people who were only partially mad at the time they formed a resolution to commit a crime would be deterred from so doing, if the verdict was one of guilty of committing the act charged." In fact, if this explanation be accepted, it may be argued that the Act of 1883 recognised partial responsibility, and, on that ground or presumption, required the offender, if he committed the offence, to be adjudged both guilty and insane. From which it would follow that "partial responsibility" necessitated partial punishment. But the question was not carried to that length.*

(3) The Procedure under the Habitual Drunkards and Inebriates Acts, 1879 and 1898.

Procedure under the Habitual Drunkards' Act, 1879, and the Inebriates Act, 1898.

454. We pass to another precedent, the procedure under the Habitual Drunkards Act, 1879, and the Inebriates Act of 1898, for in these Acts states of mind bordering on that of "lunacy" or "unsoundness of mind" are the subject of legislation.

Habitual Drunkards Act, 1879, Sec. 3.

455. The definition of an habitual drunkard is "a person who, not being amenable to any jurisdiction in lunacy, is, notwithstanding, by reason of habitual intemperate drinking of intoxicating liquor, at times dangerous to himself or herself or to others, or incapable of managing himself or herself and his or her affairs." The definition evidently connects itself with the definitions of the Lunacy Act of 1890; and the words "incapable of managing himself *or* his affairs" have a very wide application. In this regard, the words of the Judges' answers, mentioned

*We should state that in making these remarks, we do not wish it to be inferred that we desire that the criminal law in regard to the trial of the insane should be altered in any way.
(See letter from the Lord Chief Justice to the Secretary of State for the Home Department, Appendix Vol. V, page 256.)
We are desirous only of considering the principle of the Trial of Lunatics Act of 1883 in relation to other classes of the mentally defective.

above, might be read in thus: "At the time of committing the act, the habitual drunkard was labouring under such a mental defect as not to know the nature and quality of the act he was doing," though, possibly, he might know that he was doing wrong. In that case, the habitual drunkard, if, and in so far as, he is suffering from mental defect, whether he be considered in the light of a person who is a quasi-lunatic, and on that ground dangerous, etc., or in the light of a person who is a quasi-criminal, and on that ground possibly "guilty but insane," might be regarded as coming within the terms of the procedure adopted in the case of the unsound in mind, though actually he be a member of the large "uncertified" or "uncertifiable" class. The Habitual Drunkards Act of 1879, however, has no reference to criminal acts; its object is only to provide a means by which an habitual drunkard may enter a Retreat voluntarily, and having done so, be there detained for a period.

Habitual Drunkards Act, 1879, Sec. 3 —*contd.*
See Paragraph 440.

456. The Inebriates Act of 1898, however, carries the matter one step further, and suggests an alternative procedure. It provides that "where a person is convicted on indictment of an offence punishable by imprisonment or penal servitude, if the Court is satisfied that the offence was committed under the influence of drink or that drunkenness was a contributing cause of the offence, and the offender admits that he is, or is found by the jury to be, an habitual drunkard," the Court may order that he be detained in an inebriate reformatory. Thus the two points are separated: the committal of the offence and the question of being an habitual drunkard. The first point to be settled is, whether he is guilty or not guilty as to the fact; and then, if it has been settled in the affirmative, the second point is taken; and if the verdict be that the offender is an habitual drunkard, the committal is not to a prison but to a reformatory. He is detained for a period not exceeding three years in a State inebriate reformatory or a certified inebriate reformatory. There are, in fact, two findings: one disposes of the question of guilt respecting the committal of the offence; the other, on the ground of "habitual drink," modifies the criminal sentence or adds to the criminal sentence a period of curative or reformatory detention.

The Inebriates Act of 1898, Sec. 1 (i.)

We have thus, in the case of the "lunatics" and of the habitual inebriates, definitions which are applicable to unsoundness of mind, or, in the case of habitual drinking, applicable to a state of mind very similar to that of unsoundness; and, parallel to these, we have the conditions under which, in cases of felony or serious offences on indictment, the jury has to decide whether the person, as insane or as habitual drunkard, is or is not to be treated as relatively irresponsible.

457. We have now to consider the second question raised by us at the outset of this discussion (*see* page 142, Para. 439). If such irresponsibility is suggested in relation to some criminal act, what is the procedure to be adopted in order that the allegation of irresponsibility, when raised in the case of mentally defective persons other than lunatics may have due weight, both in regard to the conviction and sentence and also in regard to the after treatment of the individual?

Procedure in regard to "uncertified" or "uncertifiable" cases in criminal courts.

458. At present, if we omit the procedure adopted in the case of the insane and in that of the habitual drunkard, there is no form of procedure available for other classes of mental defect—other classes of the "uncertifiable." The insane, as we have seen, may be sent to asylums, or, as criminal insane, may be kept under detention as King's Pleasure lunatics or Secretary of State's lunatics; and the habitual drunkard may be sent to reformatories for any period not greater than three years; but for the imbecile or feeble-minded or the moral imbecile there is neither recognised procedure nor available institution.

Troup, Vol. I., 1323.

Troup, Vol. I., 1328. 1329. 1338.

In general terms it may be said that in the case of feeble-minded offenders "the proper verdict," Mr. Troup, now Permanent Under-Secretary of State to the Home Department, said, "would be something to the effect that the prisoner was guilty of the act, but, owing to mental weakness, was not fully responsible, and that he requires control and constraint." But Mr. Troup added that this was a question which could not very well be put to or adequately dealt with by a jury.

Inebriates Act, 1898, Sec. 1. (i.)
Troup, Vol. I., 1323.

Procedure in regard to "uncertified" or "uncertifiable" cases in criminal courts —*contd.*

It is of course true, as emphasised by Sir Edward Fry, that a person must be either responsible or irresponsible; that in the matter of criminal procedure these two terms cover the whole ground, and that where the question is "guilty or not guilty" it would be impossible for the law to admit the existence of any doubtful territory between the two terms.

Fry, Vol. I., 5839.

It is, however, equally true that in the judgment and sentence which follow the verdict the widest differences may, without inconsistency, be permissible in order to ensure that the adjudications of the courts are as far as possible in harmony both with the public sense of justice and with the requirements of reason in dealing with criminals of various degrees of mental defect. The very words "guilt" and "responsibility" denote that a man shall be held to "answer for" his deeds; and the "answer" to be demanded from a person of imperfect mental development must differ from the "answer" to be given by a sane man.

While admitting, therefore, the inexpediency of a verdict "guilty but feeble-minded," one may consistently advocate a radical alteration of the methods of our law with regard to feeble-minded persons found guilty of crime.

Letter from the Lord Chief Justice to the Secretary of State for the Home Department, Appendix, Vol. V., p. 256

The authoritative advice of the Judges in regard to judicial procedure in the case of feeble-minded offenders, is stated in the following sentences taken from a letter addressed by the Chief Justice to the Secretary of State for the Home Department:—

> "The Judges"—the reference is to a meeting of the Judges of the King's Bench Division—"are unanimously of opinion that it is not desirable that any question should be raised before juries respecting the class of people described as 'feeble-minded,' analogous to that which is raised under the Trial of Lunatics Act, 1883, or under the Inebriates Act, 1898.
>
> "They think that any question of mental condition other than that of lunacy, or habitual drunkenness, should be considered either by the Judge in determining the sentence which should be awarded, or by the Home Secretary under his general power for the control and disposal of prisoners. . ."

459. Our experience, as we have said, appears to justify this view entirely. For the reasons we mentioned before we are of opinion that the question of feeble-mindedness should not in criminal cases be put to a jury, as the question of insanity is or as the question of ability to manage oneself and one's affairs may be put to a jury in an inquisition under the Lunacy Act of 1890, or as the question of being an habitual drunkard may be put to a jury under the Inebriates Act, 1898. We think that the *data* upon which a judgment should be formed, could not be submitted to a jury without great uncertainty and difficulty. To ascertain the facts, the opinion of a medical man trained in the knowledge of mental disease is necessary; and, often, some period of observation is required, as well as, if possible, some record of the history of the case; but a jury, who may well deal with the question whether or not such and such an act was committed by the defendant, can hardly be expected to decide also the very much more complicated question, whether the act was a voluntary act done by a responsible agent. In cases of alleged insanity, there has been a grave distrust of verdicts on inquisitions; and it can hardly be argued that it is desirable to extend this procedure to other classes of mental defect.

Crichton-Browne, Vol. I., 5990, 6168–6171.

Fischer, Vol. I., p. 155, c. i. and Vol. IV., 29986.

460. It is not, therefore, necessary or desirable that the precedents under the Trial of Lunatics Act, 1883, and under the Inebriates Acts, should be pushed further. Accordingly, in all cases of mental defect noted in Recommendation IV., other than unsoundness of mind, an alternative course may be adopted. The question of fact may go to the jury, and when that is settled, the question of mental defect may be settled by the court in modification of the sentence. And there is a third course, that, on the ascertainment of mental defect, the charge should lapse on the plea of irresponsibility, and the offender be dealt with not as a criminal but as a patient. In regard to the second and third courses we have to consider the procedure in indictable offences tried at assizes and at quarter sessions, and the procedure in offences tried in courts of summary jurisdiction.

461. We will take the latter first. Here there is no question of reference to a jury. The question of mental defect comes before the court and the court only; and if it should decide that the offender suffers from such mental defect as to make him irresponsible, it should be entitled, we think, to let the charge drop, to assume the position of a judicial authority under the Lunacy Acts, and to deal with the offender as a patient. This line is suggested by the Circular which was sent to Magistrates by the Secretary of State on 23rd November, 1889. The words of the Circular are: Courts of Summary Jurisdiction.

> "The Secretary of State must strongly urge on the Magistrates that it is their duty to obtain, in all doubtful cases, evidence as to the mental condition of prisoners. In cases of serious crime it may be necessary to commit for trial persons supposed to be insane, in order that the question of their sanity may be decided by the verdict of a Jury. But where the offence is less serious, it is almost always open to Justices to dismiss the charge, and to deal with the prisoner as an ordinary lunatic, either handing him over to the care of his friends, or sending him as a pauper lunatic to an asylum."

Further, this principle has already been adopted in a very wide sense in the Probation of Offenders Act, 1907. The words of the Act are:—"Where any person is charged before a court of summary jurisdiction with an offence punishable by such a court, and the court thinks that the charge is proved, but is of opinion that, having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment, or any other than a nominal punishment, or that it is expedient to release the offender on probation, the court may, without proceeding to conviction, make an order either:— VII. Edw. 7. ch. 17, 1 (i.).

(1) Dismissing the information or charge; or

(2) Discharging the offender conditionally on his entering into a recognisance, with or without sureties, to be of good behaviour and to appear for conviction and sentence when called on at any time during such period, not exceeding three years, as may be specified in the order."

This statute, we quote, rather because it is illustrative of the course which we are discussing, than because it is altogether apposite to the question of procedure in regard to offenders alleged to be mentally defective. On this principle, however, we have recommended in summary jurisdiction two alternative forms of procedure,—prior to conviction and apart from it— remand to a receiving house, or ward, or to other interim custody, for purposes of observation, or,—prior to conviction and apart from it—adjournment of the charge *sine die*, followed by a reception order, if the medical certificate justifies that course. After conviction we have also suggested three courses: either on the surety of any officer or representative of the Committee to bind over the mentally defective person to come up for judgment at some future time or when called upon; or to authorise the reception of the offender under a summary reception order in any institution the Committee may determine; or instead of sending the offender to prison, to accept recognisances from a surety or sureties on the offenders' behalf, on the condition that he remains under the control of the Committee until they discharge him. Recommendation LXXXVII.

462. We have now to consider the question in reference to procedure in offences tried on indictment. In these cases, the offender has usually been committed for trial by justices; and we have suggested an alteration of procedure in the case of prisoners committed for trial, when the justices are satisfied that the person charged is mentally defective. We have proposed that, in these cases, the justices should be enabled to accept recognisances for the prisoner's appearance at the trial from any officer or other representative of the Committee, and to order the accused to the custody of the Committee instead of to prison. Among the depositions which have been taken down would be the depositions which had satisfied the justices that the prisoner was mentally defective; and these would be transmitted to the court of assize or to the court of quarter sessions, as the case might be. Following the general line of the suggestions we have made in regard to cases of mentally defective offenders after conviction in the lower court, we think that, in cases of mentally defective persons convicted at Assizes or Quarter Sessions, a similar course might be adopted. Assizes and Quarter Sessions. Recommendation LXXXVII., I. (3), (4), (5).

Assizes and Quarter Sessions —*contd.*

The offender, after conviction, might be bound over to come up for judgment on the surety of any officer or representative of the Committee, or the court instead of sending the offender to prison might authorise his reception in an institution which was maintained and controlled by the Committee and which the Committee might select; or it might accept recognisances from sureties on his behalf on condition that he remained under the control of the Committee until they discharged him.

While prisoners are in gaol awaiting trial, their state of mind can be, and generally would be, satisfactorily observed. The modern practice, however, of allowing prisoners to be out on bail after committal has happily so much increased that less is officially known before trial of the mental capacity of prisoners than was formerly the case. It is, however, often obvious from the demeanour of the accused in Court, from circumstances disclosed on the depositions, or given in evidence, or otherwise communicated to the judge, that, irrespective of any question of mental condition as affecting the guilt or innocence of the accused, he is so mentally defective that, alike in the interests of himself and of the public, his future care should be considered. In the event of a conviction, there is no difficulty in providing for proper medical examination, as detention is in all cases possible.

Intervention after the verdict.

463. Thus, after the verdict on the fact, the judge, acting on the advice of the medical officers as before, might pass a sentence, the terms of which would be qualified, according as he deemed the sense of responsibility on the part of the offender to be greater or less in, for instance, the case of an idiot, or an imbecile, or a feeble-minded person or a moral imbecile, a feeble-minded inebriate or epileptic or a mentally infirm deaf mute or blind person. Subject then to the completion of his sentence, the offender would be handed over to the committee of the county or county borough and detained under certificates renewable from year to year, and revised, suspended, or withdrawn, as in the course of time might appear right. Of course, if it could be argued that no such mentally defective person could be in any degree responsible, the course here suggested could not be defended; but all the evidence goes to show that in these cases there is no fixed line in regard to the sense of responsibility any more than there is a fixed line in the nature and extent of mental defect. Where the defect of the brain is greater, the responsibility is less, till a point is reached where it is practically non-existent, as in the case of idiots and low-grade imbeciles. Also where the degradation or disease of the brain is very far developed, as in the extremer cases of senile dementia or "mental infirmity," or in cases of acute or persistent "unsoundness of mind," the responsibility entirely, or almost entirely, disappears. Recognising these variations, therefore, we suggest that the element of punishment should be retained, so far as it is valid, but that, subject to that condition, treatment—care and control—should follow with a detention or segregation, which should not be penal in any sense, but, as far as may be, educative or curative, or, possibly, simply custodial. This method, it will be seen, is not that of an indeterminate sentence, nor is it that of a "sentence to be detained" for a period of years, as under the Inebriates Act, 1898; it is the method of judicial sentence simply, with an entirely separate adjudication following upon it similar to that made on a reception order.

Smalley, Vol. I., 3419, and Chap. XX.

In the event of acquittal, a prisoner is entitled to his freedom, and it is, moreover, provided by 55 Geo. 3, c. 50, Sect. 4, amended by 8 and 9 Vict., c. 114, Sect. 1, that every prisoner charged with any felony, or any other crime, or as an accessory thereto, before any Court holding criminal jurisdiction within England and Wales, against whom no bill of indictment shall be found by the Grand Jury, or who on trial shall be acquitted, or who shall be discharged on proclamation for want of prosecution, shall be immediately set at large without payment of any fee to the sheriff or gaoler in respect of such discharge.

We think that, in cases in which a prisoner has been acquitted upon his trial, a judge will have had such an opportunity of forming an opinion as to the necessity for medical examination that it is not unreasonable for him to be able to defer the discharge of the accused until this has been effected. It may be thought that in cases where no bill has been found or in which no prosecutor has appeared, even though the prisoner is in custody, that the judge might not be expected to have sufficient materials before him justly to authorise his making this interference with liberty. We have therefore framed our recommendation so as to meet those cases where a person must have been arraigned and a verdict taken.

Recommendation LXXXVII. (iv.)

464. Another method has also been suggested to us which has many advocates—the indeterminate sentence. We have, we think, made it clear that in our opinion the question of the committal or non-committal of the offence and the question of responsibility or non-responsibility for that committal should be kept distinct and separately dealt with. There should, we urge, be no confusion between the two. If this confusion is avoided, it will greatly affect the nature of the indeterminate sentence as a sentence; and the lengthened care and control which may follow the sentence on the fact of the committal of the offence, will attach itself, not to the fact of committal, but to the decision which the court may adopt, acting as a "judicial authority" in relation to the detention or segregation of the offender under the medical certificates which have been submitted to it. In that case there would be, strictly speaking, no indeterminate sentence pronounced on the ground of the nature of the offence, as a kind of combined penal and protective or custodial sentence, or as a reformatory sentence passed in lieu of a penal sentence. What might in that case be regarded as an indeterminate sentence, would not be a sentence at all; it would be an authorisation similar to other judicial authorisations of a like kind, to detain or segregate, and it would follow a determinate sentence or, as is above suggested as an alternative, it might follow an adjournment *sine die*.

The indeterminate sentence.

Crichton-Browne, Vol. I., 6182.
Brayn, Vol. I., p. 165, c. 1, 3150.
Scott, Vol. I., 4900.
Fry, Vol. I., 5789, 5797, 5855.

On the whole, then, we consider that the measures which we recommend provide in the case of the mentally defective all that could be expected from a system of indeterminate sentences.

Recommendation LXXXVII.

465. There is, however, a further question to be decided: What should be the test of responsibility? In the case of unsoundness of mind the test was formulated in the Judges' reply in the Macnaghten case: "That at the time of committing the act the accused was labouring under such a defect of reason from disease of mind as not to know the nature and quality of the act he was doing; or, if he did know this, that he did not know that he was doing wrong." In this opinion, as has been pointed out, stress is laid on *knowing* the nature and quality of the act, and that is made the critical and definitive word. But, generally speaking, in the case of mentally defective persons other than those "of unsound mind," it is a question whether mental defect should not be considered to mean defect in any of the faculties or qualities of mind and not be limited to those of knowledge and judgment. Criminal jurisprudence and psychology would thus be in accord. Dr. Mercier, who gave evidence on behalf of the Royal College of Physicians of London, has pointed out that in relation to insanity the question of certification has been made to turn almost wholly on the assumption that it is "a disorder of the intellect," so that "a person is not regarded as insane by reason of any peculiarity of temper or disposition, although he may exhibit peculiarities that incapacitate him from earning his own living, and that render him a burden and a nuisance to his family, and to those who come in contact with him. . . . The conception of insanity," he says, "as an intellectual disorder solely should be superseded by the understanding that it is inability, by reason of mental (not necessarily intellectual) defect and disorder to manage oneself and one's affairs."

The judicial test of irresponsibility in cases of mental defect other than "unsoundness of mind."

Mercier, Vol. I., p. 365, c. 1.

Cf. also "Criminal Responsibility," by Dr. Mercier, 1905. Clarendon Press.

466. If this be true in relation to insanity generally, or in relation to the Lunacy Act of 1890, in so far as in practice mentally defective persons of very various types may at times be certificated under it, it is still more true in regard to other classes of the mentally defective. The mental defect, indicated by facts observed and recorded, may reveal itself, for instance, in the misuse and misapplication of the senses, or in misdirection or instability of the will, quite as much as in an inability to judge or know the nature and quality of particular acts. In determining the nature of mental defect, therefore, it is necessary that the state of the mind should be considered as a whole, and in this more complete manner; and a particular and partial test such as that suggested in the Macnaghten case cannot but be set aside as insufficient. The "intellectual" test, indeed, no longer covers the ground. Other classes of mental defect, under the title of "feebleness

The judicial test of irresponsibility in cases of mental defect other than "unsoundness of mind."—*contd.*

of mind," imbecility, etc., have to come under consideration, and have, by their very nature, to be determined on broader lines. Hence, in these cases, *quâ* mental defect and any irresponsibility consequent upon it, there seems to be no alternative but to adopt a system of examination and certification such as we have suggested.

Holmes, Vol. II., p. 205, c. 1.

467. Practically what happens in the police courts, in the case of such mentally defective persons, is either that the criminal charge is dismissed and the offender handed over to relations or friends, or on the criminal charge a sentence of committal to prison for a short term is enforced. How useless and disastrous these methods usually are we have amply shown. We propose instead that in all cases of apparent mental defect or of recurrent short sentences for offences usually associated with defect the police should be under statutory obligation to apply to the Committee for the Care of the Mentally Defective and to the Board of Control for any information which they may have in regard to the offender, and to lay the same before the court. All cases of mental defect which are dealt with by any public authority or voluntary association should be notified to the committee for the area of the county or county borough. Next, the medical officer of the committee or his representative would be under obligation on notification from the court to attend it when the case was remanded. And, further, we suggest that, when it appears to the justices that the person charged is mentally defective, the justices should be asked by circular from the Secretary of State, or be required by statute, to remand the person charged or to adjourn the hearing of the case; and then, after consultation with the medical officer of the Committee or his representative, either to commit the offender to prison or to discharge him to the Committee for the Care of the Mentally Defective in order that if it is desirable, they may, in conjunction with relations or friends, arrange, for such suitable care and control as the committee is under statute required to provide. Further action would then be taken on the lines of certification and continuing control which we have sketched above.

Recommendation LXXXVII. (v.)

Recommendation LVI.

New forms of criminal procedure recommended.

468. To sum up: We have in this chapter stated first that there is a large number of offenders who are not insane, in the meaning attached to that word in the ordinary administration of the Lunacy Act, 1890, and the criminal law, who, being mentally defective and not certifiable under that Act, are excluded from the care and protection of the State. We have described, as far as possible side by side, on the one hand the conditions which are attached to the state of personal irresponsibility in the Lunacy Act of 1890—being a danger to oneself or others, or being unable to manage oneself and one's affairs, or not being under proper care and control, or cruelly treated and neglected; and, on the other hand, we have described the procedure which is now in force, in connection with the Lunacy Act, for satisfying the public authority that persons alleged to be of unsound mind are, or are not, actually in that state; and we have also stated what, as represented by the answers of judges in the Magnaghten case, is the chief general test of responsibility in regard to criminal acts on which the plea of insanity is raised. We have also considered the procedure under the Habitual Drunkards Act, 1879, and the Inebriates Act, 1898, as indicating methods which are closely akin to the methods adopted in regard to offenders alleged to be insane. In these procedures, we have found precedents which, we have suggested, may, with considerable modifications, be applied to the cases of offenders who are mentally defective in other ways. We have endeavoured also to settle whether any test of the state of mental defect similar to that associated with the criterion laid down in the Macnaghten case could be applied in these cases of feeble-mindedness. We have concluded from these precedents in part, in part from other suggestions and considerations;

Recommendations LXXXVII.–LXXXIX.

(1). That excepting in cases of alleged insanity dealt with under the Trial of Lunatics Act, 1883, or in cases of habitual drunkenness dealt with under the Inebriates Act, 1898, the principle should be

adopted of keeping the question as to the committal of the alleged offence separate from questions of the alleged mental defectiveness, the relative irresponsibility of the offender, and his appropriate treatment when charged with crime or convicted.

New forms of criminal procedure recommended—*contd.*

(2) That, on this principle, in a court of summary jurisdiction, prior to conviction and apart from it, the justices should remand the offenders to a receiving house or ward, or institution, or to other interim custody, or adjourn the case, and subsequently, if the medical certificates justify such a course, adjourn the case *sine die*, and order the reception of the offender in an institution considered suitable by the Committee for the Care of the Mentally Defective ;

(3) That, on the same principle, in a court of summary jurisdiction, after the conviction of the offender, he may be bound over to come up for judgment on the surety of any officer or other representative of the committee, or be dealt with by a reception order, or instead of sending the offender to prison, the court may accept recognisances from a surety or sureties on his behalf, on the condition that he remains under the control of the committee until they discharge him.

(4) That on the same principle, so far as it can be applied to the procedure of assizes and quarter sessions, the offender tried for an indictable offence may, after conviction, be bound over to come up for judgment on the surety of any officer or other representative of the committee, as has been suggested in the cases which are dealt with under summary jurisdiction, or dealt with under a reception order, or, on recognisances entered into by sureties not being representatives of the committee be kept under the control of the committee until he is discharged in due course of law.

Moreover, we recommend that in cases tried at assizes and quarter sessions, the court should be empowered to direct that the accused be submitted to examination, and, if necessary, certification, notwithstanding that he has been acquitted of the offence charged, if, in the opinion of the court, it is desirable that his mental condition should be ascertained with a view to provision being made for his care.

(5) That if any sentence be imposed by the court, it be not an indeterminate sentence, but that instead there be, as we have proposed, such a sentence as to the fact of the offence, as the court, on the verdict of the jury, may decide ; and thereafter, where necessary, a reception order be made which would be renewable from time to time, on the lines of Sec. 38 of the Lunacy Act of 1890 respecting "the duration of reception orders," and which would lead to such treatment and care as, from the point of view of mental defect, the committee, having regard to the mental state of the patient and the reports of their medical officer, might think necessary ;

(6) That neither the question suggested by the judges in the Macnaghten case nor the question of " guilty " or " guilty but insane " which the Act of 1883 requires the court to put to the jury in the case of prisoners alleged to be insane, should be applicable to classes of mental defect other than those to which they are now applied.

The purport of these conclusions will be found stated in the form of recommendations in Recommendations LXXXVII-LXXXIX.

PART IV.
MENTAL DEFECT AND CRIME.

Chapter XXIII.
Mental Defect and Criminal Responsibility.

Protection of the Mentally Defective in regard to sexual offences.
Dendy, Vol. I., 1058.
Troup, Vol. I., 1398, 1401, 1433.
Mason, Vol. I., 2028–2035.
Fleming, Vol. I., 2078, p. 115, c. 1. 2079, 2083, 2088, 2096, 2098, 2122.
Bagenal, Vol. I., p. 132, c. 1.
Evans, Vol. I., 2775, 2776.
Brayn, Vol. I., 3172, 3174.
Townsend, Vol. I., 4249.
Batty Tuke, Vol. I., 4569, p. 262, c. 1., 4671.
Scott, Vol. I., 4974–4976.
Russell, Vol. II., 12631–12632.
Ruspini, Vol. II., 12666–12667.
Wilkinson, Vol. II., 12895.
Gavin, Vol. II., 13277.
Parr, Vol. II., 13412.
Poole, Vol. II., 13550.
Odhams, Vol. II. 13663.

469. We cannot conclude this chapter without referring incidentally to a question that lies outside our main arguments. It will have been evident that the aberrations of mental defect and disorder often take the form of sexual offences and impropriety, and that feeble-minded women and girls are especially liable to be taken advantage of by the vicious. Considerable discussion has taken place before us as to whether the law as it stands provides due protection against such acts and attempts. It is not necessary here, we think, to state the existing law on the subject in any detail or to examine the evidence at any length. We recommend that the attention of the Lord Chancellor and the Secretary of State be called to this evidence and that they be invited to consider whether the existing law provides adequate protection for the persons referred to. Recommendation XCV.

Stone, Vol. II., 13694, p. 156, c. 1. 13776–13777.
Booth, Vol. II., 14053, p. 175, c. 1. 14143.
Lynch, Vol. II., 14257.
Baker, Vol. II. 15326, 15407.
McKee, Vol. II., 16118.
Dixon, Vol. II., 16240.
Clifford, Vol. II., 16409.
Bartholomew, Vol. II., 16467.
Bund, Vol. II., 19330, 19419, 19493.
Norris, Vol. II., 19726.
Passmore, Vol. II., 20048, p. 535, c. 1.
Wycliffe Wilson, Vol. II., 11382.
Holmes, Vol. II., 14540.
Williams, Vol. II., 15945.
Penn Gaskell, Vol. II., 16492.
Matheson, Vol. III., 22878, 22931.
Woodhouse, Vol. III., 23065.
Dowdall, Vol. III., 23135.
Fagan, Vol. III., 23202.
Spence, Vol. III., 21126.

PART V.

VOLUNTARY INSTITUTIONS AND CARE.

CHAPTER XXIV.

Asylums for Idiots.

470. The charitable institutions for the care of idiots and imbeciles and the homes and societies for the care of the feeble-minded represent two distinct movements. The one led to the establishment of the Earlswood Asylum (1847), the Eastern Counties Asylum for Idiots and Imbeciles at Colchester (1859), the Western Counties Idiot Asylum at Starcross, near Exeter (1864), the Royal Albert Asylum at Lancaster (1864), and the Midland Counties Asylum at Knowle (1868). The other movement commenced about the year 1887, when the first home for feeble-minded girls over fourteen was opened; and it is now represented by a group of institutions of different types, some of which are described below, by the National Association for Promoting the Welfare of the Feeble-minded (1895), and by the Lancashire and Cheshire Society for the Permanent Care of the Feeble-minded (1902).

Fletcher Beach, Vol. I., 6937, p. 377, c. 2. Townsend and Jefferies, Vol. I., 3903, pp. 224, 225 3967.

471. This later movement has led to a more careful consideration of the education of defective and feeble-minded children during the past fifteen years, and to a better knowledge of the extent to which they are improvable. But the earlier movement, that which led to the establishment of the idiot asylums, was also to a large extent educational. The asylums were intended to be and, indeed, are, to a large extent, educational centres for improvable cases, aiming at results similar to those which the later movement for the care of the feeble-minded desired to accomplish. We propose to give some account of these institutions and to state what has been their experience in the maintenance and care of mentally defective persons during the last half century.

Bartholomew, Vol II., 16430, p. 307, col. 1.

Locke, Vol I., p. 634, c. 1 & 2

472. In dealing with the definitions of mental defect in Chap. XXIX., we propose to state in detail the difference between "unsoundness of mind" and idiocy and other classes of mental defect. Here it is sufficient to say that the words "lunatic" and "idiot" have in the past stood for two divisions of mentally defective persons, the one implying insanity, or "disorder of the mind" in a person who has been in possession of his faculties; the other a state of fatuity or mental incapacity which has been evident at birth or at an early age. As Master Fischer, one of the Masters in Lunacy, stated: the old definition was "that an idiot was a person who never had a mind; a lunatic a person who had had a mind and lost it." Thus "idiocy" meant generally any form of congenital defect, but probably without consideration of any but extreme cases—and these defects used to be regarded as incurable and unimprovable.

The classification of cases of mental defect into "lunatics" and "idiots."

Fischer, Vol I 2947.

473. At the time when the Idiot Asylums were established, from the year 1847 and onwards, the word "idiot" had this wide connotation, and included vaguely all the grades of mental defect to which we now apply the words "idiot," "imbecile," and "feeble-minded;" but the passing of the Idiots Act in 1886 marked a change both in nomenclature and administration. The Act dealt with idiots as apart from lunatics; and by the use of the word "imbeciles" a yet further sub-class of the mentally defective was recognised by statute as indicating a lesser degree of defect than that of idiocy. Soon after a further sub-class was recognised. Owing in part to a widespread desire for the more specialised treatment of cases of lesser mental defect, and more particularly for the better protection of girls and young women, who were deficient in mind and self control, the word "feeble-minded" came into use as indicating a yet minor degree of defect than that implied by the words "idiot" or "imbecile."

The identification of the classes "idiot," "imbecile" and "feeble-minded."

Caldecott, Vol. I., p. 595, c. 1, and p. 596, c. 1.

Chapter XXIV.
Asylums for Idiots.

"Idiot" asylums admit all classes of congenital mental defect.

474. We have, thus, two forms of institutions. First, there are the idiot asylums, which are now, by a recent alteration of title, called also institutions for the feeble-minded, that is, for all the classes of congenital defect, which had originally been comprised under the word "idiot." These, therefore, actually or by inference deal, as they have always done, with all classes of mentally defective persons excepting the insane or persons of unsound mind and the "mentally infirm" or senile dement. And, next, there are the Homes for the feeble-minded. These have always used the word "feeble-minded" in its narrowest sense as representing a sub-class of the mentally defective in which the mental defect, though serious, is, by comparison with the idiot and imbecile, slighter and less obvious; and they have dealt with that single sub-class only, or with that and to some extent with the imbeciles. This is but one instance of the confusion of nomenclature that has prevailed. Here, then, in speaking of the idiot asylums, as they are generally called, we refer to institutions which, in most instances, admit applicants who are suffering from all kinds of congenital mental defect, and who by consequence refuse to admit any applicants who are unsound in mind or insane or "mentally infirm."

Definitions in the Idiots Act and the Lunacy Acts.

Lunacy Act, 1845, 8 & 9 Vict., c. 100, Sec. 114, and the Lunatic Asylums Act, 1853, 16 & 17 Vict., c. 97, Sec. 132. Lunacy Act, 1890. Sec. 341.

475. But in regard to the definitions in the Idiots Act, a word should be added. The Idiots Act (1886) defined "idiots" or "imbeciles" as "not including lunatics," and, *vice versa*, stated that "'lunatic' did not mean or include idiot or imbecile"; from which it might be inferred that the two classes "idiot or imbecile" and "lunatic" were to be considered and treated entirely separately, though both, in varying degree, were to continue to be under the supervision and control of the Lunacy Commission. The Lunacy Act (1890), however, in spite of this, repeats the definitions of previous Acts, namely, the Lunacy Act of 1845 and the Lunatic Asylums Act of 1853, and states that a "'lunatic' means an idiot or person of unsound mind." Hence, though the Idiots Act applies to idiots and imbeciles only, the Lunacy Act is applicable to "idiots" no less than to "persons of unsound mind," both of whom, by the definition, rank as sub-classes of "lunacy." Thus, as in the use of the words "training institution for the feeble-minded," recently introduced into the titles of asylums for idiots, and in the use of the words "feeble-minded," with a different meaning, in the title of homes for the feeble-minded, there is great confusion; so now there is equal confusion in the use of the word "idiot" in the Idiots Act and the Lunacy Acts with, in each Act, apparently a different relation to the word lunatic.

The Idiots Act and the changes introduced by it.

476. The Idiots Act, under which the idiot asylums have a recognised *status*, provides a very simple machinery for the admission of idiots and for their continuous care and control. It furnishes thus a precedent of great value in developing methods suitable for dealing with the mentally defective of the congenital type.

49 & 50 Vict. c. 25, Sec. 4.

Schedule to the Idiots Act, 1886.

"An idiot or imbecile from birth or from an early age may, if under age, be placed by his parents or guardians, or by any person undertaking and performing towards him the duties of a parent or guardian, . . . in any hospital, institution, or licensed house registered under this Act, . . . upon the certificate in writing of a duly qualified medical practitioner." The certificate is to the effect that the person "is an idiot [*or* has been imbecile from birth, *or* for years past, *or* from an early age], and is capable of receiving benefit from [the institution (describing it)]." And a statement, signed by the parent or guardian, accompanies the certificate, and gives particulars as to "when and where previously the person was under care and treatment"; whether "in any asylum or institution"; "whether subject to epilepsy"; and "whether dangerous to others." The person is on this certificate detained until he is of full age. If he has been so detained, with the consent of the Commissioners in Lunacy, he may be retained after he is of full age. If, on the other hand, he be of full age at the time of application, he may be admitted on the same certificate and statement. In all cases after admission a notice of reception has to be sent to the Commissioners in Lunacy. All institutions for the care of idiots have to be registered by the Commissioners in Lunacy, and are inspected by them.

Sec. 5

Sec. 9.

Sec. 12.

477. The Act is suggestive on several grounds. The method of certification is the simplest possible; the fact that the person is a congenital idiot or imbecile is the single and essential issue; the single condition as to admission is that admission will be beneficial. Next, there is the principle of continuity of control.

The person, once admitted as a minor, continues in the institution, with the consent of the Commissioners in Lunacy, without any new certificate being required. Again, the method of registration and inspection is made applicable to charitable or voluntary institutions. The definition of the Act as to "hospitals" and "institutions" is practically the same as that in the Lunacy Act: "Any hospital or institution or part of a hospital or institution (not being an asylum for lunatics) wherein idiots and imbeciles are received and supported wholly or partly by voluntary contributions, or by any charitable bequest or gift, or by applying the excess of payments of some patients for or towards the support, provision, or benefit of other patients." Hence there is scope under this method and this definition to bring a large group of useful voluntary institutions into co-operation with a central body and local bodies under reasonable guarantees for good and responsible administration. Both method and definition might, it is obvious, be applied, for instance, to the various homes for the care of the feeble-minded. Lastly, the idiots and the imbeciles, while broadly distinguished from lunatics, remain under the jurisdiction of the same central authority, though a separate system of administration for lunatics, as compared with that for idiots and imbeciles, is enforceable in certain important points.

The Idiots Act and the changes introduced by it—*contd.*

Idiots Act, 1886, Sec. 17.

Sec. 11.

478. Thus we have already in the Lunacy Commission a central organisation which at present deals under different conditions with what, in the past at least, have been recognised as the two main classes of the mentally defective—the insane by "disorder of the mind," and the idiot by want of intelligence or imbecility from birth. The large class of "feeble-minded" has also in some measure in connection with idiot asylums been dealt with by the same organisation, as coming under the title "idiot," used in its originally wider sense; though the voluntary homes for the feeble-minded have never been brought into systematic relations with this or any other central authority, unless, as in some instances, they have been certified by the Local Government Board as institutions suitable for the reception of applicants sent by the boards of guardians. The growth of thought then in this branch of work and the gradual increase of institutions may be said to point to the conclusion that what for the most part would be a new central authority should assume the duties of the Lunacy Commission, and with a very considerable change, both in the scope, method and character of their work, and with the adoption of a new title significant of larger and more extended social obligations, should promote measures for meeting in many ways, and according to the wants of different classes of defect, the administrative needs of the mentally defective as a whole.

Cf. "Law and Practice of Lunacy in Ireland," by G. W. Abraham, 1886, p. 26.

479. We have now to submit particulars regarding the idiot asylums themselves.* There are some four or five main characteristics to be noted in regard to them. They are both educational and custodial. They are, without exception, general institutions for all classes of congenital defect. They are voluntary institutions and are supported largely by payments for individual cases, so much so that in one instance, at least, these payments form almost the entire income. They are institutions which, though they admit applicants as a rule from all parts of England, are chiefly interested in meeting the needs of particular groups of counties, from which also they receive considerable voluntary support. They are managed with one exception on the method of admission of candidates by the votes of subscribers. Lastly, considered as institutions, within the limits of voluntary work and its obligations, they show not a little power of expansion and adaptation.

Characteristics of the "idiot" asylums.

These institutions are all managed by Boards or Committees of Management appointed by the subscribers. Their object is indicated by the following extracts from regulations: "That the design of this charity be, not merely to take the idiot and imbecile under its care, but especially, by the skilful and earnest application of the best means in his education, to improve his bodily powers, and prepare him, as far as possible, for the duties and enjoyments of life." This is the definition in the regulations of the Earlswood Asylum. The corresponding regulation of the Midland Counties Asylum at Knowle is almost word for word the same. So is the regulation of the Royal Albert Asylum for the Northern Counties at Lancaster, and the regulation of the Asylum for the Eastern Counties at Colchester. But the Western Counties Asylum at Starcross, unlike in this and some other matters, has as its object: "To provide care and intellectual,

Caldecott, Vol. I., p. 597, c. 2.

Williams, Vol. I., p. 607, c. 1.
Douglas, Vol. II., p. 198, c. 1.
Turner, Vol. I., p. 623, c. 1.
Locke, Vol. I., p. 633, c. 1.

* Besides the asylums for idiots mentioned in the text, there are the private asylums for idiots, that at Normansfield, and the Downside Lodge Asylum at Bath.

Chapter XXIV.
Asylums for Idiots.

Characteristics of the "idiot" asylums—*contd.*

physical, or industrial training for idiots." In general we may say that the object of the asylums is primarily educational, and that, originally at least, they were the outcome of a belief that in many cases special education would prepare "for the duties and enjoyments of life" the children or young persons who gained admission to them.

Caldecott, Vol. I. p. 597, c. 2.

Both sexes are admitted. At Earlswood: "All ages and all types; but no case is entertained for the foundation until after five years of age, and the Board prefer all cases as far as possible to be under sixteen." At Knowle: "Cases are admitted at any age." At Colchester: "Election cases are admitted from five years of age upwards," while there and probably elsewhere: "Payment cases are admitted at any age." So at Lancaster. At Starcross: "Preference is given to children; pupils are admitted from six years old and upwards." At all these institutions there is a constant entry of children and young persons, and the system should admit of that very early treatment which, as we have seen, is greatly needed in some cases.

Williams, Vol. I., 10520, p. 607, c. 1. Turner, Vol. I., 10787, p. 623, c. 1. Douglas, Vol. II., 14425, p. 195, c. 1. Locke, Vol. 1., 10966, p. 633, c. 1.

Average age of inmates. Reports: Earlswood Asylum, 1906, p. 23; 1905, p. 24.

480. The ages of the inmates indicate the state of the population in the institutions. At Earlswood the annual average number of inmates during the last ten years, male and female is: Under sixteen, eighty males and forty-five females, in all 125; over sixteen, 277 males and 135 females, in all 412. In 1905 there were in residence 109 patients maintained for the remainder of their lives, of whom fifty had been in residence forty years; and, except at Starcross, where all the inmates are counted as children and "retained until their training is completed, or until there is no probability of further improvement being effected in their condition," there must be a constant increase of the elderly inmates, if they are not gleaned out otherwise.

Locke, Vol. I., p. 633, c. 2.

Admission and discharge.

481. Admission to the asylums is usually obtained in three ways.

Some are admitted on payment by relatives and friends; and some on election; and some on payment from public or voluntary bodies. Where relatives or friends pay, "the discharge is authorised by the relatives"; otherwise they "remain until they die." So in the case of those elected for life. But the other elected inmates, unless re-elected, leave at the end of seven years; and they cannot, as a rule, stand for re-election "unless there are distinct prospects of further improvement." So it is at Knowle, with the exception that the term of years is five. So at Colchester—where the term for elected cases is now seven years—for in not more than twelve cases are the elections made for life. So at Lancaster. There is thus a more or less constant discharge of election cases every five or seven years, while the inmates who are paid for stay on. This must act sometimes rather sweepingly. At Lancaster, for instance, out of 702 residents only 235 were twenty years of age and upwards. And the question naturally rises—what is the result of the method? Do those admitted as children, at or after the five or seven years of age or even after a second term of re-elected life, prove themselves able to take part in the duties and enjoyments of life in the world outside, or are they, when they leave, so carefully supervised and controlled that they do not lose the good results of the seven years' education? In the main, the answer is in the negative.

Caldecott Vol. I., p. 598, c. 1.

Williams, Vol. I., p. 607, c. 2. Turner, Vol. I., p. 623, c. 2. Douglas, Vol. II., p. 199, c. 1. Report Royal Albert Institution, 1906, p. 86.

Results of training: Earlswood. Caldecott, Vol. I., 10378.

482. Dr. Caldecott, the Medical Superintendent of Earlswood, says: "Roughly speaking, I should reckon two-fifths of our patients are idiots, two-fifths low grade imbeciles, and one-fifth high grade or trainable imbeciles." In reply to a circular to the parents of patients discharged during the last fifteen years, 341 answers were received; of which the following is a summary:—45 died; 89 gone to county asylums; 111 gone away with no address; 6 gone to other imbecile institutions; 11 at work for wages; 13 at home, very useful; 26 at home, useful; 40 at home, no use.

Vol. I., 10379, 10488, 10490, 10492.

Thus, "3·25 per cent. were earning wages," Dr. Caldecott said: "3·81 were at home very useful; 7·5 at home, useful. The rest no good." Some, when they leave, go to their homes—the bulk of them in the first instance—and are of no use, some go to the county asylums, and some (26 per cent.) go to the unions. "They should be taken care of for life."

Colchester. Turner, Vol. I., 10836, 10905.

Speaking of the Eastern Counties Asylum at Colchester, Mr. Turner, the Superintendent, said in regard to cases sent away after seven years:—

"In some cases they go out and earn their own living under a certain amount of supervision. I have amongst my old cases three who have been married, one who has brought up a family,

and others (I cannot give you the exact percentage now, but there are several) who are earning their own living either as tailors or shoemakers, or doing odd work on farms." Results of training—*contd.*

To avoid discharges of hopeless cases, "we allow a system of re-election"; and thus "cases have been re-elected again and again. We have tried to meet that difficulty." On the other hand, he stated: "I think we get a larger proportion of helpless cases" than other asylums. A good many "could not by any possibility earn their own living or do anything of use in an asylum." Turner, Vol. I., 10837. 10890. 10889.

At the Royal Albert Asylum, Lancaster, a circular issued to 367 patients discharged in the last twelve years produced these results: thirty-three (or 9·0 per cent.) are earning wages or the equivalent; 123 (or 33·5 per cent.) are living at home with parents or relations, of whom forty-two are very useful and thirty-two useful; one is in a public school; and 148 (or 40·3 per cent.) are in workhouses, lunatic asylums, etc. It is not a very satisfactory result, and comparable with that at Earlswood mentioned above. A circular was also issued in regard to sixty-seven patients who had much improved; information was received as to fifty-one. Of these sixteen were earning wages, five were useful in workhouses; seventeen were useful at home, six were either not useful or nothing was said of them; four were in lunatic asylums; and three were dead. This was a census of cases in which there had been great improvement; and it shows that a small number can receive considerable benefit from the teaching and discipline of the asylum. Dr. Douglas, the Resident Medical Officer of the Royal Albert Asylum, said: These people revisit the institution at holiday times and on such occasions "I have been pleased with their tidy appearance and self-respecting bearing. Intercourse with the world has improved them." However, he adds: "One thing I frequently observe is, that boys who have learned a trade do not continue it, but generally turn to common forms of labour. . . . They need judicious supervision and an ordinary master or foreman will not be troubled with them while the labour of perfectly sane workmen can be had cheaply. Sometimes their friends . . . let them idly loaf about the streets, and who can wonder if they get into mischief?" Lancaster. Douglas, Vol. II., p. 202, c. 1. Vol. II., p. 199, c. 2. Vol. II., p. 195, c. 2.

As at Earlswood it must be borne in mind that a large proportion of the inmates can only be to a very small extent improvable by reason of the extent of the mental defect from which they suffer. Thus at Lancaster, out of an institutional population of 626, eighty-five are idiots, 308 imbeciles, and only 233, or some 37 per cent., high grade imbeciles or "feeble-minded." Vol. II., p. 199, c. 1.

At Starcross the custodial element in the institution is very small. "The admissions are now restricted to improvable cases only, as it has become recognised that beyond a slight improvement in habits and intelligence, little can be effected by training in the lowest grades of congenitally-defective persons. The institution was moreover founded essentially as a *training*, and not simply as a custodial, establishment." Accordingly an analysis of the institutional population of 270—180 males and ninety females—gives the following figures:—Idiot, twenty-six, or 9 per cent.; low grade imbeciles, ninety-three, or 34 per cent.; high grade imbeciles, ninety-three, or 34 per cent.; and feeble-minded, fifty-eight, or 21 per cent. On this method the results are stated thus: "I think that during the last ten years about forty children have been placed out in the world. I have information from about twenty of them; several of those are earning their own living independently, but they were brilliant exceptions, the others were living at home and making themselves of use, going out to work for instance in gardens or doing needlework at home, and so on." But, it is added, those who are discharged, properly speaking, "ought not to go out into the world, any of them, never mind how competent they are to work." Starcross. Locke, Vol. I., p. 633, c. 1. Locke, Vol. I., p. 634. Vol I., 11016. Vol. I., 11017.

483. This view is held by all our witnesses in regard to this branch of work. Already the institutions are, with the exception of Starcross, to the extent of at least two-thirds of the cases, custodial, that is, cases of idiocy or low grade imbecility; and even for those who leave the educational departments as improved there is need of after custody or after supervision. The experience of the managers of voluntary homes, as we shall see, coincides with this opinion. Necessity for continued detention or supervision.

484. Of the well known and elaborate educational system at these establishments we need say but little. It is admitted that it should be more and more manual and industrial. In the different institutions there is a careful classification. That at Earlswood may be mentioned. There there are "six or seven different classes according to social and mental standard, the best and worst not associating with the general run of patients on each—the male or the female—side. According to the general rule of the institution all patients who are Classification of inmates. Douglas, Vol. II., p. 195, c. 1. Turner, Vol. I., p. 624, c. 2. Williams, Vol. I., p. 608, c. 1. Caldecott, Vol. I., p. 598, c. 2.

Classification of Inmates—*contd.*
Williams, Vol. I., p. 607, c. 1.
Turner, Vol. I., p. 624, c. 1.
Locke, Vol. I., p. 633, c. 2.
Caldecott, Vol. I., p. 597.

in any way capable of doing anything are expected to attend either the schools, the workshops, or housework during the working hours of the day." Sometimes the classification is by degree of defectiveness as at Knowle, or by age and mental capacity as at Colchester and Starcross; at Starcross "the classes are numbered as in an ordinary school." And it appears from the visits which we have paid to the asylums and from their evidence and annual reports that great attention is paid to the educational and especially the industrial side of their work, including labour on farms or gardens. This is, perhaps, especially noteworthy in the case of Starcross.

Williams, Vol.I., p. 607. Turner, Vol.I., p. 623. Locke, Vol. I., p. 633. Douglas, Vol.II., p.198.

Finance in relation to the classes in the asylums.
Caldecott, Vol. I., p. 600, 10342,10403.
Williams, Vol. I., p. 608, 10563.
Turner, Vol. I., p. 625, 10886, 10888.
Locke, Vol. I., p. 635, 10977.
Douglas, Vol. II., p. 200.

485. The financial statements as they are submitted to us are inevitably somewhat misleading. The cost of the two-thirds of the inmates who are in the asylum chiefly for custodial purposes must in the worst cases be very considerable owing to the constant care and nursing which they require. For different reasons those who are indicated as being improvable, a large number, have to be provided for at a relatively large cost. They can only be taught in small classes, and require close supervision, though in some instances the industrial trainers are old inmates of exceptional ability. On the other hand, for the economy of the institution the best work is done by the high grade imbeciles and feeble-minded, but these do not remain in the asylums continuously. If they do, their work is the most productive. The "trainables" do their best work from the age of twenty-five to fifty. "If we simply took the higher grades," Mr. Turner, the Superintendent of the Eastern Counties Asylum at Colchester, said, "we could undoubtedly reduce the cost." As institutions are homes for all kinds of congenital defect, they may be compared generally one with another; but they cannot be compared with institutions for any single or special class, except, again, possibly in the case of Starcross. And there is yet another consideration. Many of the patients are paid for by relations and friends, and the charges incurred on their behalf are on a scale commensurate with their payments. Thus at Earlswood, "Of the higher payments there are five of 250 guineas or more, ten of 120 guineas and upwards, twenty of 65 guineas and upwards, and 103 paying cases up to 65 guineas." And so in a lesser, but always considerable, degree elsewhere. Including administrative and maintenance charges only—that is, excluding all charges for purchase of land erection of buildings, and, generally speaking, all capital expenditure—the figures stand as follows:—

	Average number of patients.	Average weekly cost.
		s. d.
Earlswood	485	19 6¼
Colchester	253	14 3½
Knowle	95	14 1½
Lancaster	610	13 10
Starcross	271	10 7¾
Total	1,714	14 6

Maintenance payments for individual cases.

Earlswood Annual Reports, 1905, 1906, Financial Report.
Colchester Annual Report, 1906, p. 52.
Lancaster: Annual Report, 1906, p. 60.
Western Counties Asylum, Starcross: Annual Report, 1905, p. 38.
Turner, Vol. I., 10794, 10791, 10820.
Williams, Vol. I., 10535.
Douglas, Vol. II., 14437.
Caldecott, Vol. I., 10506.

486. The financial position thus depends largely on the extent to which patients are received on payment—often it is the chief asset. At Earlswood, for instance (1904), there was received for "pupils and part payment cases" a sum of £13,249, as against £7,030 received from other sources, including legacies £1,926; in 1905 the corresponding figures were £12,547 and £11,428, including £5,013 legacies, and so it is more or less elsewhere. At Starcross the receipts for "maintenance of patients" were £8,699 out of a total income of about £9,258; and there is everywhere a large demand for accommodation, both on the part of private persons and of public authorities. Except Earlswood, all the asylums receive cases from boards of guardians. Outside the group of eastern counties guardians pay to the Eastern Counties Asylum at Colchester 15s. a week, within the group 12s.; £1,500 to £2,000 a year is thus received, but it is also said that "the payments from boards of guardians do not in any way recoup us for expenditure applied to bringing the institution up to date"; "they do not pay anything beyond the actual cost, do not pay initial charges." At the Midland Counties Asylum at Knowle, there are thirty-four cases from Poor Law Unions, who pay for them £34 and £35. At the Northern Counties Asylum at Lancaster the guardians pay £35 a year for each case, and provide for some 100 cases. It is clear from this, and from the accounts of the institutions generally, that the payment for individual cases is the largest and most stable element in their finances. Except for the voting system it might, as at Starcross, become almost the sole source of income.

The voting system.

487. On the defects of the voting system we need not dwell. The management committees of the asylums endeavour to neutralise the effect of it by extending the re-election of inmates after their seven years' stay in the asylums or, as at the Royal Albert Asylum, where it is arranged that anyone once placed on the list should be sooner or later admitted. It is believed that without the votes which they have at the election of candidates donors would lose their interest and the contributions of donors would fall off, and as long as there is apprehension on this score it is not likely to be abolished. It is, however, a system for which it is difficult to find a place in the general organisation of institutions for the care of the mentally defective, and it has hampered negotiations with public authorities. To these negotiations we will now turn.

Schemes for co-operation between local authorities and the idiot asylums.

488. Of recent years—and especially since the passing of the Elementary Education (Defective and Epileptic Children) Act 1899—there has been a general desire to increase the provision for mentally defective persons, and if possible to utilise and extend the "idiot" asylums. A statement of the difficulties in carrying out this policy may serve as a guide as to what should be done or avoided in this relation now. At Earlswood, Dr. Caldecott suggested to the Chairman of the School Committee of the Education Committee of the Surrey County Council that "if they chose to select what they called mentally defective cases, cases for which they proposed to make special classes," they might be taken on a reduced payment scale, coming from the county of Surrey, such as 45 guineas a year. But the matter, so far as we know, has gone no further. To the Committee of the Eastern Counties Asylum the Visiting Committee of the Essex County Asylum made the proposal that they should take and train some fifty or sixty idiot children who are at the Brentwood Asylum; and the Eastern Counties Committee reluctantly concluded that "it would not be possible to assimilate the two systems. Ours," we were told, "is really an election charity, and theirs for cases passed on by boards of guardians or in other ways. The difficulty was to work the two systems." At the Western Counties Asylum, there was a proposal from the Devonshire County Council that the asylum should undertake the education of their defective children. "My Committee," Mr. Locke, the Superintendent, said, "were willing to undertake the charge, and to build separate dormitory accommodation for these children, so that they could come and be educated in the same classes with our children in the workshops and schools, but with separate dormitories, but it was found we could not take them unless they were certified as imbeciles; therefore the scheme had to be dropped." It should be pointed out that although certified as imbeciles there is in reality no difference between the inmates of Starcross and most of the children who are educated in special schools.

Caldecott, Vol. I., 10500.

Turner, Vol. I., 10824.

Locke, Vol. I., 10996.

In these two instances, for in the first the question did not go further than an offer, proposals for the extension of the asylums were made by public authorities, and, if adopted, they would have been of great service to the community. They would have brought children of the same class which the institutions were already helping and maintaining under the care of bodies who were specially fitted to train them. They would have given important local authorities a large stake and a special interest in the asylums, which would probably have of itself tended to efficiency. The Committee of Management would have provided the buildings; the public authorities would have paid for the maintenance and education of the inmates admitted on their behalf. In great part the financial difficulty would have been removed.

Conclusions as to co-operation between local authorities and idiot asylums.

489. We think that there should be powers to use such institutions in some definite and recognised manner; and we believe that this may be done by a local authority, charged with this branch of work, and empowered to pay for cases at these institutions according to the cost of maintenance and training, or, indeed, so as to cover some part of the expense of buildings. This would add an inducement to co-operate, and would be fair, inasmuch as only in view of the cases to be sent by the authority would the new buildings be undertaken. It would also, we think, lead to negotiations, by which the voting system, if it were continued, would be confined to yet smaller proportions than at present; and in any case the arrangements undertaken at the request of the county authority, and in conjunction with it would be of a special character, and the asylum would account to the local authority separately in regard to them. A better system of definition and certification would remove the difficulty which prevented co-operation between the Devonshire County Council and the asylum at Starcross.

Conclusions as to co-operation between local authorities and idiot asylums—*contd.*

We should add that the asylum authorities, if changes were made to create new local arrangements for the supply of accommodation or for supervision, would prefer to be connected with the county councils rather than with the boards of guardians, and they are of opinion that the visits and supervision of the Lunacy Commission have been of great service to them. There seems, therefore, to be no difficulty in placing these and other voluntary institutions under official inspection. Further conclusions and recommendations we will defer until after we have considered the want of institutions for the feeble-minded.

Idiot Asylums as centres for scientific research.

490. The reports bear witness to the expansion and progressive management of these asylums; and the point is important in its bearing on the utility of these bodies as parties to a contract with county authorities. At the same time we are bound to say that it seems to us that the idiot asylums, like the lunatic asylums, should be of much greater service to the community than they are, as affording centres for a close and scientific record of facts and for research. And we think that the authorities should encourage ingenuity and versatility of experiment to a much larger extent than they now do in stimulating the activity of defective persons, and training them. Everything should be done to keep up what may be called the hospital side of the work, and to prevent asylums becoming asylums merely. In inspection special attention should be paid to these and other points which indicate zeal and thought on the part of the authorities and of the staff.

CHAPTER XXV.

Voluntary Homes for the Feeble-minded.

491. The homes for the feeble-minded which form the second group of voluntary institutions may be conveniently classed as homes for improvable cases, boys and girls; homes for the permanent care of children, working women and girls; and homes (one institution only) for women and their infants from maternity wards of Metropolitan workhouses.

1. Homes for Improvable Cases, Boys and Girls.

Townsend and Jefferies, Vol. I., 3903, p. 227.

492. This class includes two homes connected with the National Association for the Welfare of the Feeble-minded, one for boys at Upshire Bury, in Essex, and one for girls at Alexander House, Hammersmith; and six other institutions for girls, a training home at Clapton; another at Knotty Ash, Liverpool; the Scott Home at Hitchin, which receives cases sent by Metropolitan Poor Law guardians; the Handford Home at Ipswich, which receives in preference East Anglian cases; and the Laundry and Home of Industry at Morpeth, which takes girls from the Northern counties. Another home for girls of this class is the Elizabeth Barclay Home of Industry at Bodmin.

These homes represent a variety of experiments, the conditions and results of which it may be well to state. Their aim has been to fit those admitted to the homes to become, as far as possible, self-supporting. Their work throws light on the extent to which this is possible; it shows also how far in individual cases there may be improvement within the home, but not improvement sufficient for self-maintenance outside it.

Upshire Bury Home for boys. Townsend and Jefferies, Vol. I., 3903, p. 231, c. 2. Beach, Vol. I., 6937, p. 383, col. I.

493. The Upshire Bury Home stands by itself as an experiment in the training of defective boys with a view to enabling them to earn a living wholly or in part under certain safeguards. The home was established in 1897. Since then seventy-two boys have been admitted at from fourteen to sixteen years of age. They are taught gardening and farm work in the summer, carpentering or shoe-making in the winter. There is accommodation for twenty boys, two masters, and a matron. In the summer the lads get work in the neighbouring farms, and there is no difficulty in their getting employment up to the extent of their capacity. They would soon fail, however, if they were not looked

Townsend and Jefferies, Vol. I., 3994.

after by members of the committee or by the master, who help them to spend and save their wages. And when they leave they are still looked after. Of those who have left the home, fifty-two in all, ten or twelve are wage-earners, earning on an average 10s. weekly. One or two, however, earn 14s. to 17s. a week, which is a very fair agricultural wage. Two act as assistant postmen, "going long rounds with absolute fidelity and regularity." Thirty per cent. of the boys who leave are stated to be able to earn a living and provide for themselves. Besides the boys accommodated in the home, there are out-boys, boarded with cottagers near their work, under the supervision of the master. The cost of the home has been small. The house is rented at £55. The cost of furnishing it was £50, together with considerable gifts of furniture. The cost of maintenance per head per annum, inclusive of service, but exclusive of rent, is £23 10s., with gross earnings amounting to £118 a year.

Upshire Bury Home for boys —*contd.* Townsend and Jefferies, Vol. I., 3994-3997. 3989. p. 231, c. 2. Vol. I., p. 228.

Most of the boys are sent by boards of guardians, who usually pay 10s. a week for them, as against 11s. the average cost, including rent. The difference is made up by the boys' earnings.

Vol. I., p. 231. 4083-4085.

The experiment is considered successful, but the boys should be received earlier. "The difficulties with which the home has to contend arise from the late age at which the boys' training begins, when bad and vicious habits are often ineradicably formed."

Vol. I., p. 231, c. 2.

494. The institutions for improvable girls tend to become in part homes for girls who, after training, are able to provide in some degree for themselves, in part permanent homes. Two or three may be noted in some detail as typical.

The Clapton Homes for Girls.

The Training Homes for Feeble-minded Girls at Clapton were opened in 1892 for the purpose of training for domestic service young girls in dangerous circumstances morally. It was occasionally found that girls who proved very troublesome were actually deficient in ordinary mental power, and in 1897 it was decided to receive only little girls of school age who were mentally deficient. A teacher was engaged and the children taught in the home, and the home was certified for twenty children by the Local Government Board. There was, and is, no limitation as to the age of admission. It soon became evident, however, that only a small percentage of the children could earn their own living; and therefore a second house was taken for permanent girls. There are thus two homes, one with twenty children, three matrons, and a daily teacher, and one for elder girls, with two matrons and a laundress.

Bartholomew, Vol. II., 16430, p. 306, c. 2 and p. 307, c. 1. Townsend and Jefferies, Vol. I., 3903, p. 226.

As to results. Of ninety-one girls received into the homes between September, 1897 and September, 1905, fifty-five have been dismissed. Of these forty-five come under the following headings: imbecile, eighteen; moral imbecile six; uncontrollable, eight; insane, six; sick, five; and epileptic, two. Of the remainder there were sent to other homes, three; boarded out, one; returned to friends, four; and sent to service, two.

Bartholomew, Vol. II., 16430, p. 307, col. 1.

As an instance in which the treatment at the home had a remarkable effect, the case is mentioned of a:—

> "Girl sent at six years old to the Hants County Asylum. . . . She was in the asylum for five years, and was found there by a lady guardian of Basingstoke Union, amongst idiots of so low a type that they could not feed themselves. . . . She was removed to the Union, thence to our little girls' house in September, 1899. She has now apparently lost every trace of mental weakness. She lives for the present in my private house, and goes for some hours daily to the school at the little girls' house. . . . She has rather more common sense than most girls of sixteen. . . ."

p. 307, cols. 1 and 2.

The average cost of maintenance at the little girls' home is £26 per annum per child; at the elder girls' home it is £20 6s., less £3 10s., the average contribution of each girl by laundry work. The girls are paid for by boards of guardians; cases eligible for admission to the homes of the Metropolitan Asylums Board are not received.

Vol. II., p. 308, c. 1. Vol. II., p. 307, c. 1.

495. Another typical home of this class is the Scott Home at Hitchin. It was opened in 1892 in connection with the Metropolitan Association for Befriending Young Servants, and certified by the Local Government Board for twenty-four inmates. It is a training and laundry home and receives almost entirely girls who have been brought up in Poor Law schools and are chargeable to Metropolitan boards of guardians. It tends to become a permanent home. Miss Poole, the Secretary of the Association, said:—

The Scott Home. Poole, Vol. II., 13545, p. 147, col. 2. p. 148, col. 1.

> "We keep the girls in the home for a good many years. There is practically no limit [of age]. . . . We have girls over twenty there now. We place out all we can

Poole, Vol. II., 13571, 13572.

The Scott Home —*contd.*

safely trust in service, and at present we do place some as to whom we have anything but a certainty of their doing well, simply because they can earn a living; their manual power is sufficient and we do not think it right to make them chargeable on the Poor Law, and indeed we want the vacancies in the homes."

Poole, Vol. II., 13545, p. 147, c. 2. 13580.

The results stated in figures were as follows:—114 girls have been admitted to the Home. Of these forty-seven have been placed in service; of them twenty-eight were doing, most of them, well, some fairly; and many had been in service for long periods—for four to as many as ten years; thirteen had fallen, several of them after doing well for two, three, four, and five years; six had gone to friends or been lost sight of. Of the remainder fourteen had been returned to friends, twenty-five to the Poor Law, and two to other homes, and two had died. In the home twenty-four still remained.

Vol. II., 13571, 13593-13594.

The home is maintained by a payment of 6s. a week for each case sent by the boards of guardians, *plus* the profits on the laundry and private contributions.

The Alexandra House: The Handford Home.

496. The Alexander House at Hammersmith, and the Handford Home at Ipswich, further illustrate the position.

Townsend and Jefferies, Vol. I., 3903, p. 231, col. 2.

The Alexander House accommodates eighteen girls and three matrons. The greater number of the girls are sent by the Metropolitan boards of guardians, who pay 10s. a week, as against the weekly cost, which is 11s. The girls are taught sewing, house and laundry work, but no profits are made on the laundry; the balance is made up by subscription. Since 1897 sixty-nine girls have been admitted to the home, fifty-one have left; and of these "seventeen have been sent to service, out of whom nine are still under supervision, earning on an average 2s. 9d. weekly and their board." Admission to the home is from the age of fourteen. The home is certified by the Local Government Board.

p. 232, col. 1.

The Handford Home, also certified, receives girls from the age of eight to eighteen at a weekly charge of 6s. The cost is 7s. and the difference is made good by subscriptions and laundry earnings. The girls are taught house work, laundry work, and sewing, besides rug-making, basket work, etc. The younger children receive regular school teaching. In 1898 the home was enlarged, and in 1902 an "overflow home" was added. There is now accommodation for thirty girls. The girls' ages vary from seven to twenty-seven; three are over twenty, thirteen between sixteen and twenty, nine between twelve and fourteen, five are under twelve. Of the thirty girls, twenty-three were sent by guardians, five by friends, and two by parents. As to results. Fifty-four girls have left the home; and of these fourteen have been sent to service, twenty returned to friends, eight to Poor Law guardians, eight to other homes, three to asylums, and one has died.

The Morpeth Home.

497. Notes in regard to the Laundry and Home of Industry at Morpeth and the Elizabeth Barclay Home of Industry at Bodmin will further define this group of homes and its limitations.

Pease, Vol. II., 15060, p. 232, col. 1.

Townsend and Jefferies, Vol. I., 3903, p. 227.

The Morpeth Home was established with the aim of saving the young girls who were too old to stay on in the workhouse schools from drifting into the able-bodied wards of the Newcastle workhouse. It is certified by the Local Government Board, and receives girls from twelve years of age at a charge of 6s. a week. It has accommodation for fifteen girls.

Pease, Vol. II., p. 237, footnote to col. 1.

As to the cost. "The gross cost of each of the fifteen girls is £31 12s. per annum, or 12s. a week." The profit on the laundry is £246. This, credited to the girls, makes the net cost £15 4s. per annum, or 5s. 10d. a week. If credit is taken for everything, including guardians' payments and subscriptions, the result shows a surplus per girl of £8 4s. per annum, or 3s. 2d. a week. At present this credit balance is being used to pay off a mortgage on the building, which is being largely reduced year by year.

Pease, Vol. II., p. 232, col. 1 and 2.

Miss Pease, who was one of the founders of the Morpeth Home, says:—

> "The home has proved a great and growing success. I do not think that any girl who is really feeble-minded ever is cured; yet they become happy and useful—very different to the miserable, dull, pathetic creatures they were formerly. Most of these girls can be kept in homes without compulsion, for the tendency to escape is not great; but there are a few for whom forcible control is necessary. We have had thirty-four inmates; five have been in from the beginning, seven have been returned to the workhouses because they have been too violent, or had fits, or been too depraved; three have died; two are in asylums; three are in service with kind mistresses who look after them; and we have two younger girls who in two or three years will probably be able to go out; only one girl has been entirely lost sight of."

"I believe that in a home like ours where we are supposed to take improvable ases, there will be a small percentage of girls, who, under careful and kind supervision, can earn their own living outside a home, but it is most anxious work placing out these girls, and I should much prefer keeping them under care and letting them go out for the day and return at night to the home. We have done this with great success in two or three cases. Sometimes a girl who has been steadily improving in the home when she goes to service slowly deteriorates. The girls notice this themselves. At a treat we had last summer I asked a mistress to allow an old girl to come for the day, and her young sister who is at the home said to me, 'Our Lizzie is not as bright as she used to be.' Good food, regular work, and living a good deal in the open air, does improve the girls in a wonderful way, mentally as well as physically, but our experience goes to prove that for the majority permanent care is needed, either in homes such as ours where the girls will stay voluntarily, or in colonies or in custodial homes where there is compulsory detention. The Morpeth Home—*contd.* Pease, Vol. II., p. 232, cols. 1 and 2.

Five of our girls have been taken away against the strong wish of the committee. Guardians and relations come to the home and see the girls apparently new creatures, doing their work well and perfectly happy; they consider that they are cured, and are capable of going out in the world, and of earning their own living, or of being useful at home. No one can judge the mental capabilities of a girl from an afternoon's visit; they may be perfectly good and almost normal for three or four months, and then suddenly lapse, have violent attacks of temper, when they are a danger to themselves and the other girls; or they have fits of sullenness, when nothing can be done with them; sometimes they become almost imbecile. When the girls are seen at their best the guardians or relations insist that they shall go to service; they are taken away, and the work of years is undone, for sooner or later the majority of those taken away drift into crime, or find their way into the maternity wards of the workhouse, and in the end are a much heavier burden on the community than if they were allowed to stay on in the homes at the moderate charge to the rates of 6s. a week. One of our girls whose father insisted on taking her out two years ago, had a baby last spring. We need powers to protect our girls from relations such as these. It is miserable to think of the ruin of this girl; she was an innocent and happy child two years ago and now there is no end to the sin and misery before her. If we can keep and safeguard these girls we shall at least relieve the rates from the keeping of illegitimate children. I am quite certain that the majority of them are happier as well as safer under control. . . . Laundry work is especially suitable for feeble-minded girls; they enjoy it and do it well, and live contented, happy lives, instead of being a source of misery both to themselves and to the world at large. It is always a pleasure to me to visit the home, and to feel that there are fifteen girls living simple useful lives in safety. They ought to be protected from the misery and temptations which they fall into when they have the power of asking for their discharge in the workhouse.

I am connected with a training home for ordinary girls, and there are a number of feeble-minded girls who come into these homes. Several have been passed on to us at Morpeth. One girl had been in two different training homes, and had been a great source of trouble and annoyance in the homes, and when she went to service the secretary at last wrote to me saying that the doctor felt she was feeble-minded, and not responsible for her actions. I suggested that she should come to Morpeth, and it certainly has proved the right step; she had been a total failure in service, but with us she has been good and happy, and works well, but I do not think that she will ever be fit to earn her own living outside the home."

498. The Barclay Home of Industry was established to provide for feeble-minded girls who could not be certified as imbecile, and who might otherwise "come into the workhouse over and over again in trouble." They were to be admitted "from the age of fourteen, cared for, and if possible trained for service, or, at all events, trained to some useful work." Since 1903 the home has been certified by the Local Government Board for twenty girls. The Barclay Home. Sterling, Vol. II., 14377, p. 190, col. 2.

As to cost and charges. The charge for girls from Cornwall and Devon is 5s., 7s. from other counties; but in several cases the payment asked of the Poor Law guardians has been reduced from 5s. to 4s., 3s., and 2s., in view of the increased earnings of the girls for whom they pay. The cost of maintaining the children is about 14s. a week, all told, and in some cases 3s. is earned by the child, reducing the cost to 11s. For the laundry work £344 was taken, as against laundry wage and expenses £150. The site of the home was given by friends, and the present house was built by trustees out of a sum of £2,000 left in part by Miss Barclay for charitable purposes. Sterling, 14377, p. 192, c. 1. 14384. 14385. Vol. II. p. 192, col. 1. Vol. II. p. 191, cols. 1 and 2. Sterling, Vol. II., p. 190, c. 1.

The general results are summed up in the following paragraphs:—

"Our experience shows us that very few of those sent to us can ever be able to earn their own bread. We made the mistake at first of sending them out too freely, though never without selecting their places as carefully as we could. We find that many can be trained to do good work in the home under constant supervision (our principal industry is laundry work); that they fall back and probably get into trouble after being sent out into any kind of service."

The Barclay Home—*contd.*
Sterling, Vol. II., p. 191, cols. 1 and 2.

"Of those that have passed through our hands I may mention that four have had to be moved on to the asylum, thirteen have been failures, six are doing fairly well in places, and nineteen or twenty remain in the home. . . Dr. Francis Warner, who came down to Bodmin on purpose to advise us, points out that unless we keep on teaching and waking them up, all our girls are liable to slip back. The lessons in such simple matters as the time of the clock, the value of coins, the writing of a short letter and so on, have to be repeated over and over again. Indeed the chief need we have in all the members of our staff is cheerful patience.

We have tried as industries rugmaking, knitting, etc., but in the long run we find laundry work the most satisfactory, as there are different parts in it suited to differing capacities, and under our three laundry matrons we can get the girls supervised and helped on gradually; moreover, there is a constant demand for the work, and the need of care, promptness, and punctuality means a continual discipline and education. We are this year making the experiment of engaging a trained teacher of the Swedish physical exercises, as we desire to test what they can do for the development of mind and body among these backward girls.

We try to select the most improvable cases from among the numerous applications sent us, although we are fully aware of the crying need of such institutions as exist in the United States for what they call 'custodial cases.' But in such a small home as ours, carried on as far as possible on the lines of a family, we are bound to concentrate on a particular class and to do our best to keep raising their level. We admit no girls who have lost their character, and we try to select those who have passed some school standard as evidence of their teachableness. As a rule the girls improve distinctly in health and brightness under regular management and with good food and healthy conditions, but the disappointment comes when they slip back into bad habits, which is sure to happen unless constant pressure and discipline are maintained."

Conclusions in regard to Homes for Improvable cases.

499. The experience of the managers and promoters of these homes for feeble-minded children shows that it is of the utmost importance that training should commence early, and that in permanent homes or otherwise a sufficient outlet should be provided for persons who have been trained at training homes.

Early training of children necessary.

500. At most of these homes children are admitted at fourteen or after school age; but it is very important that their training should begin much earlier. Thus of the Upshire Bury Home for boys it is said: "The difficulties it has to contend with arise from the late age at which the boys' training begins."
Townsend and Jefferies, Vol. I., 3903, p. 231, col. 2.

And Miss Poole, the Secretary of the Metropolitan Association for Befriending Young Servants, says:—

"All children noted as feeble-minded should, at the earliest possible time be put in the way of receiving special education suitable to their mental capacity. It only makes a dull child duller to leave it in the infants' room long after the proper age. As early as possible the children should be moved from school to an industrial home or school, there to be taught the trade or employment by which they are most likely to prove self-supporting. Habits of industry cannot be inculcated too early. It tries their feeble brains less to work with their hands than to learn lessons."
Poole, Vol. II., 13456, p. 148, col. 1.

Experience of the Clapton Home led to girls being admitted at any age, and Miss Bartholomew, the Honorary Secretary, says:—
Bartholomew, Vol. II., 16430, p. 307, c. 2, and p. 308, c. 1.

"As regards the moral imbecile, I believe that if the defect were recognised early in life and the child brought up in a small home, not containing more than sixteen to eighteen inmates, it is possible that a conscience might be at least partially developed, and the years of training would certainly form habits of order and industry."

In speaking of the homes of the National Association for the Welfare of the Feeble-minded and of the Handford Home, Miss Townsend and Miss Jefferies say that:—
Townsend and Jefferies, Vol. I., 3950.

"The bulk of the girls would not be able to take care of themselves, would not be able to go without supervision, unless the training is begun very much earlier. I think a very great deal depends upon that. . . . . There has not been time to tell with the younger children at present," Miss Jefferies adds, "with the older ones certainly it is so."

Miss Pease, one of the founders of the Morpeth Home and a Poor Law guardian, says:—

"I think that it is necessary to have boarding schools as well as day schools, because in them there is more hold on the children, attendance is longer and more regular, and the teaching and supervision far superior. It is important to take the children from bad homes; their attendance sometimes is most irregular, especially when the day school is far from the child's home. A woman came to see me the other day whose daughter had been attending the special class, and she had entirely disappeared for eight days; on the ninth night the police found her and she was remanded to the workhouse for a week. She had slept on door-steps or in open spaces all this time. She is a nice looking tallgirl of eleven; if this sort of life continues she will be ruined, and as she is a naughty, wilful girl, when she does occasionally attend the day classes she has a very bad influence over the other children. She would be a different creature in a boarding school away from a bad mother and street life. The sooner the training begins the better. Our school has only so lately started that we cannot yet tell the results of systematic early training; some of the children only came when they were over fourteen."
Pease, Vol. II., p. 233, cols. 1 and 2.

501. Next an outlet is necessary for the homes for improvable cases if they are to do their proper work. These homes are for the most part filled by girls who, though able to earn enough by their work for their maintenance, cannot safely be placed out because of their absolute inability to protect themselves, and often because they are morally as well as mentally deficient. The girls have received all the benefit they are capable of receiving from the training given in such homes and now should be passed into some permanent home or colony in which they could remain for life and where, under favourable circumstances, they should be self-supporting.

Outlet necessary for improved stationary cases. Poole, Vol. II., 13546, p. 148, col. 1. Poole, Vol. II., 13572.

"The stationary class," the National Association for the Welfare of the Feeble-minded state, "is by far the most numerous, and may indeed be said to form the bulk of the inmates of the homes for older boys and girls and for adults. It consists of those who improve up to a certain point but then remain stationary or even go very slowly backward. . . They must be under permanent supervision, and it would be well that institutions should be established where they would earn their own living as far as they were able, and enjoy such a measure of personal liberty as was compatible with their condition."

Townsend, Vol. I., 3903, p. 230, col. 1.

Miss Sterling, Honorary Secretary of the Elizabeth Barclay Home, says :—

Sterling, Vol. II., 14390, 14396.

"We could do much more in training girls, if we could hand on those who are unimprovable. . . I am sure philanthropic effort would not reach custodial cases: they all go for the improvable cases, and want to see results."

Miss Townsend, who gave evidence on behalf of the National Association for promoting the welfare of the feeble-minded, says :—

Townsend and Jefferies, Vol. I., 3903, p. 231, col. 2.

"The girls in the homes are happy and contented, and rarely wish to leave, except that all cherish the hope of 'going to service,' some day. One girl has been in the home six and a half years, another six years, most of the present inmates between two and three years."

502. There is thus, apart even from the general insufficiency of accommodation, a great block of cases in homes in which the inmates were admitted as improvable, in the hope that, to a certain extent, they would be able to earn their own living in the world. But owing to this block not only are the homes full of inmates whom it would be desired to move into custodial homes, but girls have to be sent from the homes when there is often a very doubtful prospect of their doing well outside.

Block of cases in homes for the improvable.

Miss Poole, the Secretary of the Metropolitan Association for Befriending Young Servants, says :—

Poole, Vol. II., 13572.

"In regard to the Scott Home, we are always overwhelmed with applications so we place out those who we know can be self-supporting, though we feel they would be safer under continual supervision in some home. What we should like would be a kind of continuation home. The girls in our home are all looking forward very much to being self- supporting and going out to service, and we try to make them have a spirit of anxiety to support themselves. We should like to say to those who cannot be trusted out in the world by reason of their feeble-minded condition: 'We are going to send you to a nice laundry home, where you will be able to earn wages.' We should like to be able to take a house, have it certified by the Local Government Board inspector, and have it subsidised to a certain extent for the more feeble ones."

Miss Sterling said:—

Sterling, Vol. II., 14406,

"If there were custodial homes, it would be very much better, because your workhouse officials do not understand them—weak-minded girls—and have not time for careful supervision."

"After five or six years in a home a girl who comes in at fifteen and is then twenty or twenty-one, wants a change, she wants to go to another home. It is not advisable for her to remain in the same home for ten or twenty years. Our girls range from seven to twenty-one. It is most awkward to deal with them."

Jefferies, Vol. I., 4047.

Thus the block in the homes tends to promote the discharge of girls, who should still be under the supervision of a home, to spoil the utility of the homes as small centres for well classified cases, and to prevent changes in the home population, which are necessary for the mental and physical health of the inmates.

503. The homes serve chiefly as institutions auxiliary to boards of guardians who at a comparatively small charge obtain the advantage of a system which, if it were extended, would promote the care and classification of a large number of inmates quite unsuitable for maintenance in workhouses or as recipients of outdoor relief. The charges paid by boards of guardians in these homes are: Upshire, 10s.; Alexander House, 10s.; Handford House, 6s.; the Barclay Home, 5s. to 7s., or less if the girls can earn part; the Morpeth Home, 5s. or 6s.; the Clapton Homes, 8s. 6d.; the Guildford Home for Boys, 12s.

The Homes are usually auxiliary to Boards of Guardians. Townsend, Vol. I., 3903, pp. 226, 227. 4218. Sterling, Vol. II., 14384. Pease, Vol. II., 15060, p. 232, col. 2. Townsend, Vol. I., p. 226.

Custodial homes and voluntary effort.

504. There is a general feeling that custodial homes could not be established by voluntary effort. "The number of homes has been stationary for the last three or four years." Miss Townsend said :—

Townsend, Vol. I., 4069.

> "I see no special reason why they (homes for the permanent protection and maintenance of the feeble-minded) should not be supported by the rates entirely, if they are at all. It is very difficult to carry on these homes without payment being made in full by the guardians. The public sympathy is not at all keen on the subject. It is very difficult to get voluntary subscriptions and donations."

4077, 4078.

Poole, Vol. II., 13545, p. 148, col. 2.

Miss Poole said :—

> If the home were an institution based on the rates, it would not be conducted so cheaply. "If such homes could be placed under efficient voluntary management apart from the Poor Law it would be much better for the inmates and less expensive to the community. The difficulty would be to find volunteers willing to organise and carry on such places. It would be very suitable work for sisterhoods and far more hopeful and interesting than penitentiary work. The homes should of course be certified and inspected by the Local Government Board, both to safeguard the inmates and to enable the board of guardians to contribute towards the maintenance of those who cannot be wholly self-supporting."

Sterling, Vol. II., 14396, 14415. Cf. McKee, Vol. II., 16144, and Grayson, Vol. II., 16948.

Miss Sterling said :—

> "I feel sure philanthropic effort would not meet custodial cases. I am inclined to think that the State should intervene in the case of the custodial institutions and that charity might bear the burthen of the more improvable cases."

Pease, Vol. II., 15076, 15082.

Miss Pease said :—

> "It would be very difficult indeed to raise the money for homes of this kind—that is at Morpeth. People do not notice the need in the country at all. . . I think the need is so great that voluntary effort cannot cope with it."

Bartholomew, Vol. II., 16430, p. 308, col. 1.

Miss Bartholomew said :—

> "It is not easy to establish voluntary homes, chiefly because of the difficulty in obtaining money for initial expenses. Charitable people do not, as a rule, take a keen interest in the question, and they do not readily understand, that although boards of guardians have power to pay for maintenance of feeble-minded persons over sixteen years of age in homes, they do not establish such homes themselves."

Possible use of voluntary work or resources in connection with public provision for the feeble-minded.

505. On the possibility of connecting the establishment of new homes or "colonies" more or less closely to charitable or voluntary work and resources, the following suggestions are made by persons connected with homes for the feeble-minded. Miss Dendy, Honorary Secretary of the Lancashire and Cheshire Association for the Permanent Care of the Feeble-minded, said :—

Dendy, Vol. I., 861.

> "It would be economically a very great saving, and I should like to point out to the Commission that we have large quantities of land in England that are going out of cultivation for want of labour. This land could be acquired probably at a very reasonable rate, and powers of detention would be all that would be necessary to enable charitable people or other people to care for these children in suitable ways. We have been trying in a small way to solve the problem at Sandlebridge, but anybody who knows what it means to have to collect £10,000 and then to keep a place of that kind going can see how enormously legislation would help, and how impossible it is for charitable effort to cope with the whole trouble."

Grayson, Vol. II., 17003.

Miss Grayson, Honorary Secretary of the Liverpool Ladies Association for the Care and Training of Girls, suggested that "if the State or the local authority and the Board of Education took it up, they could form committees with voluntary outside help, who might obtain subscriptions towards the maintenance, so that it would not be thrown wholly on the State." Mrs. Bramwell Booth, who gave evidence on behalf of the Salvation Army, proposed that the capital for building or suitable buildings should be provided, and the rent, rates and taxes met from public sources, that the institutions should be subject to State inspection, but that they should be Salvation Army institutions in which the Army should receive cases on payment of 1s. a day. Miss McKee, President of St. Marylebone Workhouse Girls Aid Committee, speaking of London, thought that homes for feeble-minded girls from the maternity wards of workhouses should be established by the Asylums Boards, or some body of that kind, as part of the general administration of Poor Law relief. But Miss Townsend, agreeing to the suggestion that the guardians or some local authority might make a grant towards the capital expenditure thought that this should be conditional on there being "a good body of managers who were not guardians."

Booth, Vol. II., 14117, 14118.

McKee, Vol. II., 16145.

Townsend, Vol. I., 4113, 4114.

II.—Homes for the Permanent Care of Children, Working Women and Girls.

506. Of the permanent homes six, perhaps, may be mentioned as of special interest from the point of view of the light they throw on the problem of the care of the feeble-minded. They are Miss Stacey's Homes near Birmingham, and Miss Grayson's at Parkgate, near Liverpool; the Coningham Road Home, and Miss Wemyss' Home at Painswick; and lastly the Sandlebridge Boarding School set on foot chiefly by the efforts of Miss Dendy, and the Institution at Sandwell Hall, West Bromwich, founded by the Rev. H. N. Burden and Mrs. Burden, where the principle of permanent care has been most absolutely and adequately accepted. Townsend, Vol. I., pp. 226–227.

507. The Laundry and Home of Industry near Birmingham have been established for girls over fifteen years of age. One contains accommodation for twenty inmates, "pure-minded and innocent young women needing a permanent home;" the other contains accommodation for twenty-five "young women who have had a first fall, and though not depraved, need a permanent home." The homes are approved by the Local Government Board and the charge is 6s. a week. The Birmingham Homes. Vol. I., 3903, p. 226.

As to results:—

> In twelve years, 101 cases have left the homes. Of these only *two or three* are reported to be doing well, so that the work of these homes if regarded as "Training," can hardly be said to be satisfactory, and neither is it satisfactory as permanent care, for only four of the original inmates admitted to those homes are now inmates. . . . With the exception of the two or three above mentioned *none* of the 101 girls who for one or other reason have left or been discharged were really fit to return to ordinary life, but they should all have been kept under restraint and supervision. Pinsent, Vol. II., 19148, p. 466, col. 2., p. 467.

The average weekly cost per inmate is at the one home 9s. 4½d., at the other 8s. 2½d. The earnings of the girls in the industrial departments—the laundry and the rug-making produce a nett profit of 1s. 11¾d. in the one case, and 2s. 4¾d. in the other. The actual cost of the inmates is thus 7s. 4½d. in the one, and 5s. 9½d. in the other home. These figures include rent and all other expenses.

508. At Liverpool, experience connected with a preventive home for girls over fifteen years of age showed that "the majority" of those admitted were "failures," sinking, more or less, rapidly into the lowest *stratum* of society; and it appeared that the fault "lay not in the home but in the girls themselves—they were feeble-minded"—that is, they were "so far of weak mind as not to be able to look after themselves"; they were lacking in "will power." As in the case of the Clapton and other homes, it was hoped at first that the girls after two or three years' training might be trusted out in the world, if placed in carefully selected places. It was found, however, that permanent care was absolutely necessary. There are two homes now, one for the permanent care of higher-grade defectives, admitted over fifteen years of age; one for the permanent care of lower-grade defectives of fourteen years of age. At each, there is accommodation for twenty cases; at both, there is laundry work. The Liverpool Homes. Grayson, Vol. II., 16933, p. 343, cols. 1 and 2. p. 343, col. 2.

In the "higher-grade" home, it appears that out of seventy-five inmates that have been admitted between the year 1892 and the end of 1904 twenty are still in the home, and have been there, many of them, for long periods. Of the rest, eleven have been placed out in service, of whom six are doing well; six have been sent to other homes, two as paid girls; twenty-four have been sent away as insane, fallen, or too feeble; eight have been taken away to relatives; one ran away; and four died of consumption. p. 346.

In the "lower-grade" home, established in 1898, the results in regard to those who have left or been discharged are still less satisfactory. p. 348.

In 1904 the average weekly cost per inmate at the higher-grade home was 12s. 6d., including rent, sinking fund for mortgage and all expenses. The laundry earnings amounted to £540; and by these earnings and individual payment for individual cases, *plus* about £21, the home is supported. The guardians pay about 6s. for cases. The inmates in the lower-grade home cost 13s. 9d. weekly, and the laundry earnings amount to £387; but about £100 has to be raised by private subscription to meet the annual deficiency. p. 347. p. 346. 16939. p. 348. 16944

509. Miss McKee, the President of the Marylebone Workhouse Girls Aid Committee, gives the following account of the Coningham Road Home for women and their infants, admitted chiefly from the maternity wards of Metropolitan workhouses. The Coningham Road Home. McKee, Vol. II., 16051, p. 292, cols. 1 and 2.

> "The Coningham Road Home was started in 1902. Eighteen girls have been admitted in three and a half years, the majority being from Metropolitan workhouses. Ten are still in the home, which is full. Two of these have been there from the commencement; six had had two children, and one, four or five. Five were under twenty-one

The Coningham Road Home—*contd.*

McKee, Vol. II, p. 292, cols. 1 and 2.

years of age, the others respectively twenty-eight and twenty-nine. Of the remaining eleven, three were very young, seventeen were of the age of seventeen and eighteen. Two of the girls had suffered from syphilis, and their two babies died from this cause. One girl only has been removed by the parent. The others had to be discharged for various reasons: one showed marked symptoms of insanity, and after being under supervision in a workhouse was sent to Colney Hatch. Several of the others were very unmanageable and as the demands on the home were greater than could be met undesirable cases were sent away to make room for more suitable ones. Two girls only have run away from the home; one returned of her own accord in a few hours, and the other took refuge in a workhouse and got so tired of scrubbing that she was only too glad to get back. The babies of both these girls were dead. Most of the girls in the home have come from very poor surroundings and are of a low type. Their parents are, as a rule, unsatisfactory. Two girls are reported to us as having been brought up in workhouse schools, and one only as of illegitimate birth. The children (eight) all under four years of age, have improved wonderfully with care, attention and proper feeding; two are considered by medical experts to be fairly normal, the others have neurotic and other unfavourable tendencies. We have been able to glean little information, if any, about the putative fathers of the children—the girls seldom know their names, they are, as a rule, 'loafers' who easily disappear, and the guardians do not follow them up for affiliation purposes, presumably because there is not sufficient evidence of paternity. The prevailing characteristics of these girls are—obstinacy, sullenness, untruthfulness, want of self-control, mental and physical, and laziness. It is, however, surprising what improvement *judicious* training (of which previously they have had little or none), regular hours, plenty of sleep, good wholesome food eaten at stated times, constant and varied employment, but not excessive work, makes in the girls; but I fully realise that this improvement is not sufficient to keep them safe from temptation if they were out in the world. I am convinced that if all our girls had to try and earn their own living and support their babies they would soon succumb again. Their work is not good; they are slow, clumsy, and careless; they require constant supervision, more than they could or would get in service; few mistresses of the better sort would put up with them as servants. One reason I assign for the little trouble we have had in keeping the girls is that we have not taken in laundry work, as is so usual in homes, and that, therefore, they have not been kept at the wash-tub and ironing-board from Monday morning till Saturday night. 'Feeble-minded' and morally weak as these girls are, they are sharp and cunning enough, most of them, to know when they are earning money; they are not keen in working for other people with no money for themselves, but are content to go on quietly doing the domestic work of the house—washing for the household, needlework, etc."

Vol. II., 16108.

Vol. II., 16101, 16152.

The experiment which the home represents is considered to have proved that, in the case of feeble-minded women leaving the maternity wards of workhouses, it is best for both mother and child that they should keep together; that the mothers can be employed, and will improve in small homes under strong personal influence, and that the children should attend the regular elementary school in the neighbourhood while the mother continues in the permanent home.

Townsend, Vol. I., 4023.

Another view is that there should be:—"A probationary home from which the women and babies should be drafted into the country—bringing up the children apart from their mothers, but to be in some touch with them until they are of an age when it could be definitely tested whether they are feeble-minded or not—at six or seven years old. Then they could be dealt with by the guardians."

Vol. II., 16081–16088.

The cost of maintenance is 10s. a week for the girls and 5s. for the babies: it is provided almost entirely by the payments from Boards of Guardians. The home is approved by the Local Government Board.

St. Mary's Home, Painswick.

510. Of St. Mary's Home at Painswick, a "permanent home for women and girls," Miss Wemyss says:—

Wemyss, Vol. II., 18505, p. 430, col. 1.

"The home began (1890) in a very humble way with only one inmate; at present it contains from thirty-three to thirty-six, of all grades of capability. The work done includes laundry, chair-caning, knitting rubbers, dressing dolls, besides the ordinary household work, and cooking. All are busy, from the skilled laundress to the poor defective who can only turn a washing machine and peel potatoes or knit rubbers; each gives the best of her service, and each one earns a wage in proportion to the value of her labour. By this method even the feeblest worker feels that she is of some use, and has the gratification of buying her own clothes, and contributing to her own little charities and pleasures, whilst the skilled, well paid laundresses have the joy of knowing that their work is helping to provide these great blessings in life, a good and peaceful home, and happy and useful employment not only for themselves but also for their weaker sisters.

Vol. II., 18538.

"The house is an ordinary one; two or three thrown into one. It is not very convenient, but it is the best we can have, and it answers its purpose. They do not live in an expensive way. They all live in the same way, and the amount spent on them is not great, yet I know it is sufficient, for nobody has ever complained.

Vol. II., 18528, 18529.

"The staff consists of a superintendent and an assistant matron in the house, and a cook matron and a workroom matron; and in the laundry a superintendent and six experienced laundry maids; and for outside work two men. The feeble-minded do a great deal, because they do the whole of the housework; they help in the cooking, so that they leave the laundresses absolutely free to do the whole of their work, so that it

Vol. II., 18543.

Wemyss, Vol. II., 18543, 18526.

gives them a great advantage. Thus the inmates themselves earn very little indeed. The whole earning of the home, added to guardians payments, comes to 16s. or 17s. a head." St. Mary's Home, Painswick—*contd.*

Taking the series of years from October, 1896, to October, 1904, the receipts on the industrial work were £7,541, the expenditure was £7,538, so that the home in these years just paid its way. It is "maintained by its own industry, except the payment from the guardians." "It is about two-thirds maintained by having experienced workers in the home, working with the inmates." Nearly all the cases are workhouse cases. Wemyss, Vol. II., 18532, 18513.

This home is distinctive in several ways. It is supported by the recognised association of strong and capable women, who are paid wages, with the feeble-minded, who also earn wages in proportion to the value of their labour, on the understanding that the net profits of the common work should maintain the feeble. It has also been from the first a permanent home.

511. The boarding homes for boys and girls at Sandlebridge represent the most complete experiment for providing permanently for the feeble-minded. The aim of the homes is to deal with both boys and girls permanently. The Sandlebridge Homes.

Miss Dendy, Honorary Secretary of the Lancashire and Cheshire Association for the Permanent Care of the Feeble-minded, said :—

"Dr. Ashby, being physician to the Children's Hospital, has acquaintance in other ways with a great number of the poor mothers. I attend all his examinations of defective children, and in one way or another, we do arrive at a large number of family histories. We find the trouble quite as often handed down through the father or the father's side, of the family as through the mother or the mother's side of the family. Apart from that, we have this question; we generally know quite definitely when we have the children to deal with who are the children of feeble-minded mothers, but we very often do not know when we get the children of feeble-minded men. They do not come under notice in the same way as a woman—at every crisis of life the woman comes under notice but the man does not. As criminals and as paupers and as parents I consider that men are quite as dangerous as the women and very nearly, if not quite, as suffering. Dendy, Vol. I., 815.

The following is Miss Dendy's description of the establishment of these Homes :— Vol. I., 822.

"Perhaps you will allow me to go back a little way again to 1897. When I had seen these children and seen many of their parents I became quite convinced that to treat them only in day schools was, to a very great extent, a waste of time and money. I approached a few influential gentlemen in Manchester and put my case before them, and asked them if they would form a preliminary committee to enable me to take action. They were very good about it, and they did, and we formed a society which is known as The Lancashire and Cheshire Society for the Permanent Care of the Feeble-Minded, with the intention of getting hold of a certain number of children, and trying to prove that those children, in proper conditions, could be kept happily throughout their lives without hardship or forcible detention; though we should be very glad indeed to have powers of forcible detention. This society has about 500 subscribers and 300 members in Cheshire. It owns twenty acres of land, and we have built two schools, one for twenty-five girls, and one for twenty-five boys. We have accommodation there now for fifty children. We have great insufficiency of accommodation. We are about to build another school for fifty children, and the Cheshire County Council has entered into an agreement with us to take their defectives, and they are making us a grant towards our building expenses. We have, further, just arranged to rent a farm which is abutting on our premises, and which will, for some years to come, serve us as an overflow to put the boys in as they arrive at the age of sixteen or seventeen.

"We do not take in anyone over the age of thirteen. If we had powers of forcible detention we would take them in at any school age; but we find if we want to form their habits we must take them in young, so we take them in as young as we can get them, and we teach them that that is to be their home. The principle upon which we have gone is to hold it out to them as a reward that they may stay there if they are good and if they are naughty the chances are that they may get sent away.

"Our boys are now arriving at the age of sixteen, and they have never slept a night off the place since they have been there. Neither boys nor girls show the least restlessness. They are orderly and good. It is rather sad, in a way; you can manage them with a word; they are great big fellows now, working in the garden, some of them.

"We have two gardeners, two matrons, two deputy matrons, two teachers who teach the boys and girls in common in a little school which we have built outside both houses, and two servants. Besides that, we get a certain amount of voluntary help and this winter we shall have voluntary help from one of the Manual Instructors from the Manchester Education Committee, who, feeling that nothing could possibly be so good for defective boys as his own work (woodwork), volunteered to come down on Saturday afternoons, and teach these children all through the winter if we liked to accept his services. We shall have them at the benches all through the winter when the more delicate of them would not be able to be at work in the garden.

The Sandlebridge Homes—*contd.*

"The results of putting these children into boarding schools are simply wonderful Boys who could not button their own clothes, and could not feed themselves decently when they came down, behave now quite absolutely nicely; they not only button their own clothes, but when the buttons come off, they go to their mother, as they call her, to fetch needles and cotton to put the buttons on. They knit their own stockings and knit all their own vests; they do a great deal of garden work and a great deal of cooking; they are making their own night shirts and, in fact, doing everything that girls usually do. As far as possible we are getting girls to do what boys usually do, so as to afford as much variety of occupation as we can. We have a little more difficulty with the girls, but not on the point of restlessness; simply they are rather more imbecile, taking them all round, than the boys. I have my meals with the children when I go down to stay the night, and they behave at table quite like little ladies or gentlemen. It is quite enough for the matron to say that she will 'tell Miss Dendy.' It is the utmost punishment really that is necessary, even for the big ones. They are as easily guided as little children, and their delight in the place is delightful to witness. We have pigs, poultry, cows, and sheep, and we have had corn and so forth this year. All those who are able put a hand to everything that goes on on the little farm; and every fresh event makes a fresh desire to stay.

Dendy, Vol. I., 971. The boarding schools were built privately by the Lancashire and Cheshire Society for the Permanent Care of the Feeble-minded, but the society works in conjunction with the education authority, not only of Manchester but of Salford. The Cheshire County Council entered into an agreement with the society to supply twenty-five beds for Cheshire children on the receipt of a loan
99. for £2,000 granted on the understanding that, in the event of the homes at Sandlebridge being closed, the loan should be repaid subject to certain deductions. "The society undertakes to give the council the first choice of so many beds, but does not pledge itself to keep them vacant." The Manchester and Salford school authorities and those at Bolton and Blackburn contributed towards the furnishing of the schools.

1140. The children at Sandlebridge cost £20 a head per annum, exclusive Dendy,
1118. of charges for land and buildings. The £20 includes clothing, teaching, Vol. I., 824.
1122. everything. The staff consists of two matrons, two teachers, two assistant
1129. matrons, two servants and two gardeners. There are fifty children. The buildings
1126. last erected, which are of an excellent class, cost £112 a bed; the next being
1119. semi-detached were estimated to cost £80 a bed. "The cost of food is 3s. 8d. a week. We feed them largely on what they grow themselves in the place. They get a little meat, but not a great deal."

1140. Up to sixteen years of age, the education authorities pay for the children
1131-1135. —contributing authorities £20, non-contributing authorities £25. The guardians
1108. pay £25 a year. Of children who have left at sixteen, Miss Dendy says:—

"In Manchester at present we have only had five leave us at the age of sixteen There were two girls, and in each case I got the Union (in one case the Manchester Union, and in the other case the Chorlton Union) to have those girls and send them straight to Miss Grayson's Home for feeble-minded girls in Liverpool. In one case the girl has remained there—it is over a year—in the other case the mother, a bad woman and feeble-minded woman, at the end of six months removed the girl, and she is now at large in Manchester. The other three cases were boys, all epileptic. One is working with his father, who is a joiner. As the poor man says, 'he will be all right as long as I live, but I should like to know what will become of him after.' In the other cases the boys are at large. One is suffering very much. He beseeched me himself to take him to Sandlebridge, but he was too big and dangerous."

Sandwell Hall, West Bromwich.

512. Sandwell Hall, West Bromwich, an institution for the training and permanent care of the mentally defective was opened on April 23rd, 1907. The warden undertakes the organisation and management and is assisted by a Council and Visiting Committee.

The objects of the Institution are:—

(1) To provide training for certain mentally defective children who are unable to benefit by day school education and require custodial care. These children may be shortly classified as follows:—

(*a*) Mentally defective children living in very bad homes.

(*b*) Mentally defective children whose regular attendance it is not possible to secure at a day school owing to confirmed truant habits, or to the fact that their parents are periodically moving from house to house.

(*c*) Mentally defective children known as moral defectives.

(2) To provide a permanent home for mentally defective persons who can never become capable of earning their own living or of leading an independent life

It is hoped that the inmates will remain in the Institution during the whole of their lives, and, with this object, simple industries have been provided for them, including market gardening, farming, boot-making, tailoring, carpentering, laundry-work, weaving, etc. After long and careful training it is expected that most of the inmates will eventually be able to earn something towards their own support. Sandwell Hall, West Bromwich. —*contd.*

Children are maintained at the Institution (1) By friends or parents (2) By education committees; (3) By boards of guardians.

The fees are as follows:—for children under sixteen years of age, £24 per annum; for those over sixteen years of age, £27 10s. per annum. The reason for the increase of charge for over sixteen cases is that the Institution receives no grant from the Board of Education for cases over sixteen years of age.

The Institution is certified by the Board of Education for 200 children and during the last six months more applications have been made than the Committee could deal with. Before the Institution had been opened a year, the number of admissions exceeded 150. The Institution was also certified on December 28th, 1907, by the Home Office as an industrial school for mentally defective children, since which date several cases have been received under the Industrial Schools Acts.

513. To pass from description to conclusions. The notes that follow supplement the conclusions that were drawn in regard to the Homes for Improvable Cases (paragraphs 500-505). They show how far the inmates of these homes continue to be able to maintain themselves in them, and they throw light both on the greatness of the demand for accommodation, combined with suitable supervision, and on the character of the relations between the feeble-minded and their parents—evidence on which proposals and suggestions that we make are largely based, though often without specific reference to these pages. Conclusions in regard to Homes for permanent care.

514. First of all a summary statement may be submitted. The general results, in the case of the Homes for Feeble-minded Girls, Miss Townsend reported as follows:— General Results. Townsend, Vol. I., p. 232, col. 1 and 2.

> "One of these homes was started in 1890, three in 1892, five in 1897, and one in 1903.
>
> "Six hundred and ninety-seven girls have been received into the homes, 422 girls have left. Of these: 102 were sent to service, 145 returned to friends and relatives, 124 returned to unions, thirty-two were placed in other homes, eleven in asylums, eight died.
>
> "The after history of these girls to October 1st, 1904, shows that only seventy-one are now wage-earners, average 2s. weekly. Seven have been sent to workhouses, ten have been sent to homes, thirteen to asylums, five have married, twenty-one have illegitimate children, thirteen have died."

It appears from this:—

(*a*) That of the girls who have left the homes, in regard to whom there are notes, namely 371, about 27 per cent. went into service, with what result does not appear. The evidence which is given above shows, however, that possibly about two-thirds of those placed in service do well or fairly well under supervision. Townsend, Vol. I., p. 232, c. 2.

(*b*) That about 39 per cent. returned to friends and relatives. This result must be read in connection with the evidence above—and probably in the main it cannot be considered satisfactory.

(*c*) That about 33 per cent. had to fall back on some form of custodial treatment.

(*d*) That the notes given in regard to 140 girls respecting whom there is an after history show that the girls (seventy-one) in service earn about £5 a year and their board and lodging, probably about as much as should be expected in the circumstances; and that of the remainder (fifty-six), excluding thirteen who have died, more than half had had illegitimate children.

515. Next, the demand for accommodation is very great, and that which is available is quite insufficient. Thus Miss Dendy says:— Demand for accommodation. Dendy, Vol. I., 843.

> "At Sandlebridge we have a long waiting list. . . I do not know of places to which to send children. I am constantly asked: 'Will you tell me where to send my child, I can pay so much and so much.' There is nothing but the asylum. If they are not bad cases you can get them into an asylum for a period of years. If they are bad cases the asylum will not look at them, even if they can pay, unless they pay very heavily."

Demand for Accommodation —*contd.*
Pinsent, Vol. II., 19148, p. 466, col. 1.
Grayson, Vol. II., 16935.
Poole, Vol. II., 13572.
Pease, Vol. II., 15087.
Wemyss, Vol. II. 18558.

The National Association for the Welfare of the Feeble-minded report that in six years they received 2,686 applications; and that of these, 217—ninety-one men and boys, and 126 women and girls—were received into their homes. Two hundred and thirty-eight were referred to other homes and agencies; 281 were over age; forty-four under age; 338 were written off "no vacancy," and for the rest—except thirty, "not in need of charity," and 555 "applications withdrawn or not carried further"—no provision could be made. Townsend, Vol. I., 3903, p. 229. Bartholomew, Vol. II., 16430, p. 308, col. 1.

Others give similar testimony—alike in regard to the need of accommodation for residential training Homes for the higher grade cases, where the inmates will remain for long periods or permanently, and for cases of a lower grade in regard to which a permanent home is, properly speaking, indispensable.

Charges for accommodation.

516. Next, as in the first group of homes, those for the more improvable cases, the payments which public authorities are asked to make for those admitted to the more permanent homes are very moderate. The smaller charges are made in homes where there is additional income from subscriptions or other sources and where the inmates, either owing to being adults or to their better mental condition, can contribute by their earnings to a more material extent towards the cost of their maintenance. Thus: Birmingham, for women, 6s.; Liverpool, for women, 6s.; Painswick, 5s. to 7s.; Sandlebridge, children and young persons, about 10s. per week; Sandwell Hall, from 9s. 3d. to 10s. 7d. per week. The cost would appear to be a little in excess of what guardians would pay to maintain the feeble-minded in the workhouse.

Townsend, Vol. I., 3903, 226.

Need of speedier decision by the authorities as to admissions to Homes.
Townsend, Vol. I., 4008, 4009, 4011.

517. In the case of women with infants admitted to the Coningham Road Home from the maternity wards of workhouses, it is stated that:—

> "Probably the larger number of the applications that have not been admitted were those who refused to come at the last moment or had left the workhouse. One great difficulty is that it takes so long to have them admitted, owing to the delays of the Local Government Board and the guardians, that they very often take their discharge before it is settled. Each case separately has to be referred from the guardians to the Local Government Board and the consent of the Board to be obtained in each individual case. The delay is often fatal."

Relation of the feeble-minded to parents.
Townsend, Vol. I., 4025.

518. In regard to the relation of the feeble-minded to their parents some experiences may be noted. At the Coningham Road Home for the feeble-minded mothers from workhouse maternity wards it is said:—

> "The affection of the mothers for their children has all to be manufactured by us, practically. In very few cases of feeble-minded mothers is there any real maternal feeling."

As to payment, Miss Dendy, asked whether parents could pay, said:—

Dendy, Vol. I., 1001.

> "Yes, I do think so. I hold very strong opinions about that. I judge rather from the fact that money is always forthcoming, if the parents want to have it forthcoming. For instance, I had a child sent down to Sandlebridge and the officer who collects the money for the Educational Authority, found great difficulty in getting something for that particular case, but the relations found no difficulty in coming down seven strong, and paying 1s. 11d. fare each to see the child. . We have children at Sandlebridge whose parents pay sixpence. . . We have one whose father is paying £25 a year—that is as much as we ask—and we have another who is paying 5s. a week and finding his boy in clothes. It is mostly from sixpence to a shilling a week that is asked. The officers tell me that they are fairly successful in getting it. . . . If pains are taken the money can generally be got."

Vol. I., 1003.

Vol. I., 1008.

As to relations with the parents when the child is trained, we quote the views of some of our witnesses.

Miss Townsend:—

Townsend, Vol. I., 4264.

> "If we put the elementary school children into boarding schools, the parents will be very quiet as long as it saves them the trouble of the child, but when you have improved the child and he arrives at the age of sixteen, I think the probability is that the parents will take him away for what he can do for them."

Miss Bartholomew:—

Bartholomew, Vol. II., p. 307, col. 2.

> "The great difficulty with which we have to contend is the absence of any legal control over the girls when they reach the age of sixteen years."

Miss Grayson:—

Grayson, Vol. II., 16953.

> "To go back to their homes is very bad both for the girls and the home."

Miss Sterling:—

Sterling, Vol. II., 14377, p. 191, col. 2.

> "Naturally the parents, being responsible, have been pressed to contribute to the payment for the girls at the home. The result we find is that after some months they get tired of paying and begin to think the time is come for the girls to earn. Of course, *as the law now stands* there is no power to keep the girls under care, and so we have to let them go when the parents insist; and almost invariably they are sent to service, where they break down and return in trouble to their parents or to the workhouse."

519. On the financial side, it may be noted that apart from the payment by local authorities for individual cases, the Cheshire County Council have led the way towards the subsidy of voluntary homes by its conditional loan of £2,000 to the boarding Homes at Sandlebridge.

Financial aid for voluntary homes from local authorities.
Dendy, Vol. I., 999.

520. The question of detention has already been dealt with. The managers of the voluntary homes, it may be said, are unanimously in favour of the power to detain being vested in some authority or otherwise made enforceable.

Necessity for powers of detention.

521. Some general statistics based on the work of voluntary homes may perhaps be usefully appended. Miss Poole states that out of 1,500 girls dealt with by the Metropolitan Association for Befriending Young Servants in three years, 120 were, according to a practical working analysis, considered feeble-minded.

Some general statistics.
M.A.B.Y.S.
Poole, Vol. II., 13599, 13600.

522. During the three years—1902 to 1904—inquiries were made of all the Magdalen Homes in England—numbering 284; answers were received from 100 homes or groups of homes. From them it appeared:—

Magdalen Homes.
Townsend, Vol. I., p. 232, col. 2.

> "That 14,725 inmates had passed through the homes in that period, and that of these 2,521, or about 16 per cent., were returned as feeble-minded. Of this number 588, or 25 per cent., had one illegitimate child, and 198 (or 8 per cent.) were known to have had more than one, making a total of 786 (or 33 per cent.) mothers of illegitimate children, among the feeble-minded inmates. . . Tested in local groups or by comparison of separate homes the proportion of the feeble-minded was shown almost invariably to be 15 or 16 per cent."

In regard to this general count it has, however, to be noted (1) that no direct medical evidence as to the mental condition of the inmates was obtainable; (2) that some allowance should be made for girls who drift from home to home; (3) that some have criticised the figures as below the actual number.

Of the Magdalen Home at Birmingham, Dr. Potts states that:—

Potts, Vol. II., p. 470, col. 1.

> "Of 100 consecutive cases admitted twenty-six were feeble-minded, seven were cases of moral insanity, one was epileptic, one was lunatic, and one was deaf and dumb;"

and he gives statistics generally confirmatory of this percentage from other homes for defective girls.

523. Speaking on behalf of the Church Penitentiary Association, Mrs. Ruspini said:—

Penitentiary and Rescue Homes.
Ruspini, Vol. II., 12693, 12699, 12701.

> "In the home I have we take about 100 girls each year and pass them through my hands. I say quite half are feeble-minded and feeble-willed—quite fifty per cent. in my experience of eighteen years. I find they go down as soon as they get out from the care of a home. They want keeping for life, many of them."

And Her Grace Adeline Duchess of Bedford, Vice-President of the Pimlico Ladies' Association, referring to a Rescue Home said that:—

Bedford, Vol. II., p. 327, col. 2. p. 328, c. 1.

> "In four years twenty-seven out of 106 cases that had been received were found to be decidedly deficient in moral responsibility and will-power—ten being deficient to a marked degree in mental capacity. A few may be trained for service; but, as a rule, they are quite unfit to be trusted without supervision. We usually refuse such cases.
>
> "Thirty-one cases out of an average of sixty-seven inmates might be classified as feeble-minded. Many drift, after two years of the utmost care, to asylums, the union or their old life."

Mrs. Bramwell Booth stated that out of 5,518 new cases admitted to rescue homes of the Salvation Army in the United Kingdom, it was found that 573 were feeble-minded. Of these 115 had had one illegitimate child, twenty-six more than one.

Booth, Vol. II., 14053, p. 174, col. 1.

524. Inquiries were made by the National Association for the Welfare of the Feeble-minded of 222 reformatories, industrial schools and voluntary homes for boys, and 288 for girls, in regard to the number of the feeble-minded. In the case of the boys, eighty-nine institutions replied; fifty-two saying that they had no such boys; thirty-seven that 126 such boys had passed through the homes. Of fifty-six of these notes are given: thirty-eight are said to be wage-earners; ten have been sent to workhouses, six to asylums, and two to prisons. In the case of the girls, forty institutions stated that they had no feeble-

Reformatory and Industrial Schools.
Townsend, Vol. I., p. 233, col. 1.

Reformatory and Industrial Schools—*contd.*

minded girls, forty-seven that 216 such girls had passed through the homes. Notes of 102 of these are given: fifty-three are said to be wage-earners; thirty have been sent to workhouses, three to asylums, three to prisons, and thirteen are known to have had illegitimate children.

Homes for waifs and strays.

Rudolph, Vol. II., 13018, 13020, 13022.

525. Rev. E. de M. Rudolf says that of children who have passed through the institutions of the Church of England Homes for Waifs and Strays, 10 per cent. are feeble-minded. This amounts to 1,100 defective children in twenty-four years.

> "Of these some drift into infirmaries—I am afraid a great many. Some come to grief altogether, possibly drift lower and lower until they drift out of life altogether."

CHAPTER XXVI.

Conclusions and Recommendations.

526. This survey of the two main groups of voluntary institutions for the care of the mentally defective, apart from cases of unsound mind, suggests several conclusions.

Need of new definitions of classes of mental defect.

Recommendation IV., below.

527. First, that there is a great need for a better definition and classification of cases of congenital defect. We have had placed before us evidence of a change in the use of the word "idiot." Once it meant the whole class of congenital cases. Now it has come to mean the lowest degree of congenital defect, of which the higher degrees are indicated by the words "imbecile" and "feeble-minded." In Recommendation IV. we have adopted these words and given them, as far as possible, a definite meaning.

Need of a single statute for the care and control of the mentally defective.

Recommendation II.

528. Next, it appears to us that the confusion which we have shown to exist between the terminology of the Idiots Act and that of the Lunacy Acts of 1890 and 1891 should be removed, and that it should be made clear what provisions are applicable to idiots and to institutions for idiots—or rather applicable to the congenitally defective and the institutions for them—and what to those of unsound mind, or, as they are now called, to lunatics; and we recommend that the Idiots Act, and the Lunacy Acts be remodelled and drafted in the form of a single statute, which should contain all regulations for procedure, certification and the supervision of institutions which it may be necessary to insert in an Act for the care and control of the mentally defective. Such an Act should contain provisions materially extending the powers of the central authority over institutions of all kinds for the mentally defective, and especially that adequate provisions respecting ill-treatment, or neglect, carnal knowledge additions to or alterations of buildings, rules and regulations, and mechanical restraint should be made applicable to all classes of mental defectives.

Necessity for asylums for "idiots" to specialise.

Turner, Vol. I., 10825.

529. Next, we are of opinion that idiot asylums which now receive all types of congenital mental defect should in some way modify their policy. The tendency of progress is towards the better analysis and more varied treatment of these cases. As this takes place, the function of the institutions in which they are cared for must in some measure be specialised. The same staff for supervision and control is not required for the two-thirds of their patients, who are probably for the most part unimprovable, as for the one-third who are improvable. It cannot be any great advantage, therefore, that they should be all housed under one roof. If the one-third may best be cared for in the colony, or (as several of the superintendents of the asylums prefer, an institution to a colony) in the farm and industrial sections of the institution, they should form practically a separate establishment. Separately, in all probability, they would be able to provide for themselves to a much greater extent. A less expensive staff also should suffice for them, and it probably would have to be a different kind of staff. What the precise form of their specialisation should be may possibly be different in different institutions. It was, for instance, suggested that the county council or some such authority

should take over the worst cases. This would lead to the better or the more improvable cases being received and retained at the present asylums. But where, as at Earlswood, there is a large *clientèle* of paying patients the institution might assume that function as its chief purpose. And at Starcross, which has already specialised as an industrial school for the improvable, the work might be organised still further on that basis. In any event, however, it is clear that specialisation on the part of the asylums is almost inevitable, if the differences of the several classes of the mental defective are more and more clearly appreciated and if it becomes usual to provide for them in different ways. This applies also to Homes for the feeble-minded; but they already represent an endeavour to deal with a particular class, the class that is not imbecile but "feeble-minded." Necessity for asylums for "idiots" to specialise—*contd.*

530. Another conclusion the facts suggest. The change of title which the committees of management of the asylums have already introduced should we think, be continued and even pushed further. The word "asylum," as now used, appears to us misleading. It savours of the mere detention of extreme cases whether of lunacy or idiocy. If the institution be in effect a hospital, it would be better so to call it. If it be a training home, it would better that it should bear that name. Probably, indeed, the reorganisation of the functions of the present asylums and homes for the feeble-minded will involve a change in the nomenclature of these institutions. We think that this would be a great advantage, not only for the reasons we have given, but because it would coincide with changes in public sentiment, an important factor in the success or failure of dealing with the mentally defective. The disuse of the word "asylum" in the title of the institutions suggested. Recommendation III.

531. Next, the suggestions of the Idiots Act, with other evidence, lead us to propose that the section under which only one medical certificate is required in the case of persons under the age of twenty-one, for whom parents or guardians desire to obtain admission to any hospital or institution or licensed house, registered for the care, education, training and control of idiots and imbeciles, should be extended. We recommend that this procedure should be applicable to idiots, imbeciles, feeble-minded persons, moral imbeciles, and to inebriates, epileptics, or deaf and dumb persons who are also mentally defective. We, also, recommend that the Committee should have similar power to that of a parent or guardian in such cases. And after twenty-one, we recommend that supervision and control may, with the consent of the Board of Control, be continued in the same manner. Adoption of the system of the single certificate. Recommendations IV. and LII.

Recommendations XXVIII. and XLII.

532. Thus, as we have elsewhere explained, we suggest the adoption of a local authority, connected with county or county borough councils on the one hand, and on the other with the central authority, the Board of Control. Suggestions for the utilisation of the asylums and the homes for the feeble-minded as part of a common system.

On this local authority would be placed, according to our suggestions, the statutory duty of making, directly or indirectly, "suitable and sufficient provision for the care and control of the mentally defective in the county or county borough." And besides powers of building, purchasing, etc., subject to approval, they may use grants from the Exchequer "in any way they may think best for the well-being of the mentally defective, and may contract with any . . . public or voluntary agency or private person . . . . for the care, education, training, or maintenance of any mentally defective person." We suggest, therefore, a plan which will impose on the local authority the statutory obligation to make provision for this class, and which will place at its disposal funds for making contracts with voluntary and other institutions for the purpose. The method, on which voluntary institutions are chiefly financed at the present time—payment for individual cases—may thus become established and regularised, without the least administrative difficulty, and arrangements may also be made for its extension. It is admitted generally that voluntary institutions are economically managed, and that it is of great service to have at the disposal of the authorities and the community that personal work, endeavour and influence which is characteristic of it. We hope that, subject to the imposition of certain conditions, a large amount of help may in this way be forthcoming under the encouragement of the committees for the care of the mentally defective, and the Board of Control. Recommendation XLII.

Legge, Vol. I., 1177, 1200, 1246. Bagenal, Vol. I., 2390. Jenner-Fust, Vol. I., 2695. Eichholz, Vol. I., 3874, 3876. Fry, Vol. I., 5602, 5683. Allen, Vol. I., 7542. Allbutt, Vol. I., 9215. Turner, Vol. I., 10808.

Conditions to be required of voluntary institutions.
Recommendations LIX-LXIII

533. If, where necessary, there is to be continuity of training and control—and that we accept as a fixed and inevitable principle—on the part of all voluntary homes, certain safeguards must be afforded. We propose that every institution should be registered and inspected, and should be required to appoint a medical officer, honorary or paid. This, useful in many ways, would greatly facilitate the transfer of persons from one institution to another, and their discharge.

Arrangements to avoid the clogging of special institutions by unimprovable cases.

534. Lastly, it is clear that all the institutions are clogged with cases of unimprovable mental defect, for which other and special provision should be made, unless they send their patients out, on expiry of their election term, as in the case of the asylums, or as in the case of the Homes, when they realise that further training is of no use. The result is either that the institution fails to be educational or that it becomes the passing abode of persons who leave it often only very partially improved, and who, when they return to the world, are quite unable to compete fairly with others or to take care of themselves. To meet this difficulty, of which the last two chapters afford ample evidence, we propose that there should be one authority in the county or county borough, which should have supervision of all institutions for the mentally defective, and be able, through its medical officers and by its annual survey of all cases, to ensure that the institutions should, as far as possible, be used each for its several purposes, and that those persons who require custodial treatment should be passed on to institutions fitted for them.

PART VI.

CAUSATION OF MENTAL DEFECT; DEFINITIONS OF CLASSES OF DEFECT; AND INVESTIGATION OF THE NUMBERS OF MENTALLY DEFECTIVE PERSONS.

CHAPTER XXVII.

The Causation of Mental Defect.

Reasons for, and extent of, investigation as to "causation."

535. In the reference upon which it is our duty to report, we are instructed "to consider the existing methods of dealing with idiots and epileptics and with imbeciles, feeble-minded or defective persons not certified under the Lunacy Laws," and "in view of the hardship or danger resulting to such persons and the community from insufficient provision for their care, training and control" we have "to report as to amendments in the law or other measures" that may be adopted to meet these evils. The widespread conviction which had been expressed by public bodies, charitable associations, and private persons conversant with the subject, that, under the existing laws, they were unable to provide the care, training and control that these persons required, was indeed a principal ground for the appointment of the Commission.

536. But perhaps the most important of our duties has been to consider the condition and circumstances of the class of "persons not certified under the Lunacy Laws." This class we provisionally defined as consisting of persons who were acknowledged to be suffering from mental defect, but whom, in practice, medical men were usually unwilling to certify under any of the existing forms of legal procedure; and inquiry has made it clear that the larger number of these persons are popularly described and known as "imbeciles" or "feeble-minded."

537. We endeavoured next to ascertain whether the exclusion of these persons from the operation of the existing laws was as unavoidable as it seems to be under the present practice of medical men; and after hearing a mass of evidence, which was submitted to us by many authorities of eminence and experience, we came to the conclusion that this was actually the case, and that it was necessary to make considerable changes in the law, if "imbecile" and "feeble-minded" persons were to be properly treated and controlled. This was illustrated especially by the present system of certification. Detention is usually a necessary part of "care" and "control"; but, before it can be enforced, certificates have to be furnished to prove that the case is one in which detention would be justified. This certification, it was amply shown in evidence, was, under the present procedure, applied to hardly any persons but those who were "lunatics" in the popular sense, that is, subjects of "acquired insanity"; or to those who were "idiots" in the popular sense, that is, persons in the lowest grades of mental defect. Certification was thus working so as to lead to the detention only of persons who, in accordance with popular phraseology, might be termed "lunatics" and "idiots," and to the exclusion of all other classes of mental defect from the benefits of segregation or detention in homes or colonies which might be of real service to themselves and to the community at large.

538. In the course of our inquiry we were satisfied that in this way a considerable number of persons for whom "proper provision for care, training and control" was necessary, were excluded from the operation of the law; and it followed that on this head we should make it our main object to recommend means (1) for providing appropriate care and training, and, wherever possible, individual improvement, and (2) for bringing under effective and suitable control persons of feeble mental powers who, left at large and without supervision, would be a danger and a heavy burden to the community and themselves.

539. While we were collecting information on these matters, we found it practically impossible, and deemed it undesirable, to exclude from consideration the great mass of evidence which was tendered to us in reference to the conditions and antecedents of mental defect, especially in the very large class of cases in which the evil dated from birth or from early life. Inquiries regarding the proper care and treatment of any disorder naturally involve the consideration of questions of causation and prevention; and, on these points, many of our

Reasons for, and extent of, investigation as to "causation" —*contd.*

witnesses held strong opinions. Accordingly, so far as it may be said to fall within the terms of our reference, we propose to deal with this branch of our subject in the present chapter.

540. An exhaustive investigation of the causation of mental defect is not within our province. We are not, as a body, specially constituted to undertake such a task, and perhaps the time has hardly yet come for a final pronouncement. We may fairly deal with the question, however, so far as to show the nature of the evidence that is forthcoming, its insufficiency as the basis of an absolutely final dictum on the subject, and its sufficiency as a general guide in practical administration.

541. In much of the evidence on causation terms were used without fixed meaning, in different senses by different witnesses, or in more than one sense by a single witness. This confusion has been no less noticeable in the medical than in the general evidence given on the important question of "Heredity," both before this Commission and at other inquiries of a cognate kind; and it seems to us to be desirable that this subject which forms an important part of physiology should be more specially emphasised than it now is in the medical curriculum. It is to this question of heredity that we now chiefly confine ourselves.

The relationship of "heredity" to mental defect.

542. Several witnesses dealt with the causation of all forms of mental abnormality collectively, including both insanity, commonly so-called, and mental defect dating from birth or early life; and, on this principle, without differentiation of terms, they ascribed a certain proportion of the whole sum of mental defects to "heredity." Others included in their purview of "mental defect," cases of mere "backwardness" in children, due to causes confessedly removable and attributed to heredity a corresponding percentage of "mental defect." Some used the word "inherited" in its strict sense and applied it only to transmissible traits which are innate and are of a like nature with ancestral traits, and not due to injury or disease acquired during gestation or after birth; while others attributed to the causal category of "heredity" all cases in which there was a history of any marked mental abnormality, or of nervous disorder of any kind among the more immediate ancestors. Others, again, whose experience or impressions led them to conclude that cases of mental defect occurred more frequently among the children of "tubercular" or "inebriate" parents than among the average population were apt to class under the "heredity" category those cases in which mentally defective children were the offspring of consumptive or drunken parents.

543. Apart from this loose and equivocal use of the terms "mental defect" and "heredity," another great difficulty has been the absence of any considerable body of statistics, showing, for instance, what number of mentally defective children are born in cases in which one or both of the parents are mentally defective, and, on the other hand, what number of normal children are born in these circumstances. Or again, where the parent or parents are normal what number of mentally defective children are born to them. In no country are there statistics available as to the number of children born with mental defect; and, to make a conclusive inquiry, it would be necessary to extend it beyond the immediate parentage of the persons adjudged to be mentally defective. This, under present conditions of administration and treatment, is practically impossible. It will thus be seen that, owing to the absence of necessary statistics, an absolutely conclusive reply, based on facts alone, cannot be given to the question whether a parent or parents who are mentally defective from birth are much more likely to have mentally defective children than are mentally normal parents. But though no such final reply may be given we may reasonably seek an approximate solution of our question in the detailed experience of qualified observers and in the contributory evidence of science.

Mercier, Vol. I., 6604, p. 363, c. 1 and 2.

See Chap. III.

544. There is a well-nigh universal agreement among witnesses, who appreciate and accept the term "feeble-mindedness" as indicating one of several degrees of mental defect, of which gross idiocy represents the lowest, that the greater number of these "feeble-minded" persons are mentally deficient from birth, though often the fact that mental defect exists is not discovered until later. And, further, it is agreed that, although by training some of these mentally defective persons may improve in a greater or lesser degree, most of them will remain unable to take their place in the world and to earn their own living without supervision or some external driving power. It is to the evidence offered to us respecting this class of case, rather than to that submitted to us in reference

Sherlock, Vol. I., 8905–8932.

to gross and very obvious forms of mental defect, that our comments on the lack of co-ordinated data as to causation are intended to apply. For undoubtedly, most of those who have great experience in the care and supervision of persons suffering from mental defect in these forms, such as "idiots" or "imbeciles," as described in Chapter XXVIII., state that in a very large proportion these persons are the offspring of mentally defective parents or are members of families in which other nearly related members are mentally defective.

The relationship of "heredity" to mental defect —*contd.*
Mercier, Vol. I., 6604, p. 364, col. 1.
Beresford, Vol. I., 5534–5546.

545. The evidence, however, reveals a marked difference of opinion in regard to the relative importance to be assigned to "heredity" as against what may be termed the influence of environment. Hence in respect to the causation of the large class of cases which in our Report we have designated as "feeble-minded" two opposing doctrines have been submitted to us. (1) According to the one, mental defect is spontaneous in its beginnings, and has a great tendency to recur in descendants, and thus is truly inborn and transmissible by inheritance. (2) According to the other, the evil influences of the environment are far more important than the innate and spontaneous defect of mental capacity; for, it is argued, they affect both parent and child, and include many adverse conditions incidental to intra-uterine existence. In the opinion of this second class of witnesses, therefore, mental defect tends not to be inherited, although some of them expressed a belief that not only is mental defect caused by external influences, but also that defect so caused tends to be inherited. The first of these doctrines is held, it should be said, by the large majority of witnesses.

546. Avoiding, as far as possible minute discussion as to the strictly biological aspects of the modes of hereditary transmission of mental capacity, and taking the word "hereditary" in this context as implying mainly the universal tendency of like to produce like, it would seem that this question is of practical importance to our inquiry in so far as any conclusions that can be drawn therefrom may support Recommendations made on other grounds for the indeterminate or permanent control of certain of the "Feeble-minded." There can be no doubt that feeble-minded parents do not and cannot bring up their children to be satisfactory members of the community. To this, those who are familiar with the home conditions of families where one, or both, parents are mentally defective, bear ample witness. Their children are often familiar from infancy with drink, crime, and all forms of sexual vice. Neglect and ill-treatment often render them physically infirm, and eventually, either as criminals or paupers, they have to be supported by the community. These reasons for permanent control are entirely apart from the question of direct transmission of mental defect, but in proportion as the probability be great of feeble-minded persons having similar offspring, the above-mentioned reasons for controlling them, in the interests of the community, would be strongly corroborated.

Pinsent, Vol. II., pp. 463, 464, 465
Parr, Vol. II., p. 137, c. 1 and 2, 13,347, 13,348, 13,345.

547. Among thirty-five witnesses (besides many others who have merely touched on the subject) who have expressed opinions on the part played by heredity in the production of mentally defective individuals, twenty-five attach supreme importance to the fact that in a very large proportion of cases of mental defect there is a history of mental defect in the parents or near ancestors. It is true that some of these witnesses include among cases of mental defect cases of acquired insanity, as well as cases in which, on the part of the parents, development of the brain has been defective from birth, and thus find support for their argument in a group of cases—cases of acquired defect or insanity—that lie outside it; and that others attribute mental defect in varying degrees to causes that lie altogether outside heredity, as we have defined it, as, for instance, to alcoholism or tuberculosis. Most of them, however, explicitly state their conviction that congenital mental defect is largely transmitted from parent to child; and many give large numbers of detailed and striking instances in support of this conviction.

Professor Sir T. Clifford Allbutt, K.C.B., Regius Professor of Physic in the University of Cambridge, says :—

Allbutt, Vol. I., 9156–9161, p. 533, c. 2.

> "I regard feeble-mindedness (if not accidental) as always hereditary, or in other words, it is a ratio of variation. I have never met with a case of manufactured feeble-mindedness apart from some accident either at birth or afterwards. . . . In a stationary population the prevalence of feeble-mindedness would be a calculable quantity; but in towns which have not stationary populations I should expect some diminution of it by mixture of strains." I do not believe in the existence of any transition between physical deterioration and feeble-mindedness. All arrested development is apt to run in families. I attach great weight to inheritance. Its influence is obvious to physicians in private practice; these know the difficulty of getting family histories which are worth anything. Feeble-minded persons are prolific; the thing can only be bred out.

The relationship of "heredity" to mental defect —*contd.*

Dr. Ashby, Medical Officer to Special Schools at Manchester, speaking from a very large and special experience, and using the term "amentia" as covering all grades of mental defect found in early life, says that :—

Ashby, Vol. I., 9995, p. 580, c. 1, also 10058–10063.

> "In at least 75 per cent. of the children with amentia that I have examined there was a strong probability that the amentia was hereditary and primary" (*i.e.*, spontaneous—not due to external influences.) He further says that he has observed no special tendency in the children of alcoholics or of women who suffer privation during pregnancy, or in those children who live in unfavourable conditions subsequent to birth, to develop "amentia."

Bedford Pierce, Vol. I., 10577, p. 611, col. 2.

Dr. Bedford Pierce, Medical Superintendent of the Retreat, York, stated from special experience that he considered heredity to be "by far the most important factor, and relatively more important in mental enfeeblement than in insanity."

Bevan Lewis, Vol. II., 11178–11181, p. 18.

Dr. Bevan Lewis, Medical Director of the West Riding Asylum, Wakefield, regards heredity in the strict sense as playing a very large part in the causation of feeble-mindedness :—

> "There is not the least doubt of it in my mind. I look upon feeble-mindedness as a germinal variation just as all 'variations' are."

Tredgold, Vol. I., 7281, p. 396, c. 1, 7343, 7345, 7351. Mott, Vol. I., 8015, p. 453, c. 2 and p. 454, c. 1, 8348. Bond, Vol. I., 8126, p. 465, c. 1. Kerr, Vol. I., p. 436, c. 1. Beach, Vol. I., 6937; p 383. c. 2, 7042–7043. Crichton-Browne, Vol. I., 5983, p. 329, c. 1. Beresford, Vol. I., 5530–5547. Scott, Vol. I., 4869. Parker Wilson, Vol. I., 4489. Sherlock, Vol. I., 8830, p. 514, c. 1. Smalley, Vol. I., 3542.

Dr. Tredgold, Physician to the Littleton Home for Defective Children, from an extensive study of the antecedents of mental defectiveness, states that over 80 per cent. of cases are connected with neuropathic inheritance, the remainder being due, in his opinion, to causes such as alcoholism or tuberculosis incident on the parents ; or to other influences affecting the children themselves. He has never seen a normal child born of two feeble-minded persons.

Similar evidence, with numerous cases adduced, was given by Dr. Mott, Director of the Pathological Laboratory of the London County Council ; Dr. Hubert Bond, Medical Superintendent of the County of London Colony for Insane Epileptics ; Dr. James Kerr, Medical Officer (Education) to the London County Council ; Dr. Fletcher Beach, who gave evidence on behalf of the Royal College of Physicians ; Sir James Crichton-Browne, one of the Lord Chancellor's Visitors in Lunacy ; Dr. Beresford, Medical Superintendent of Tooting Bec Asylum ; Dr. Scott, Medical Officer, His Majesty's Prison, Brixton ; Dr. Parker Wilson, Medical Officer, His Majesty's Prison, Pentonville ; Dr. Sherlock, Medical Officer of Belmont Asylum ; Dr. Smalley, Medical Inspector of the Prison Commission ; and several others.

Vol. II., p. 569.

Lastly we may quote the evidence of Mr. Frederic Wilkinson, Director of Education, Bolton Education Committee, to the effect that in almost every case when parents of mentally defective children appeared before the committee or before magistrates, it was found that the parents themselves were similarly afflicted. He gives an interesting list of cases medically noted in support of this statement.

548. The ten witnesses remaining out of the thirty-five mentioned in Paragraph 547 either relegate hereditary transmission of defective brain development (*i.e.*, of congenitally defective mental capacity) to a low place in their list of the causes of mental defect or, in some few instances, practically give it no place at all. Most of these witnesses consider that the conditions of the environment which affect the individuals and also the "physical deterioration" which enfeebles the parents are far more important causal factors. But few of the witnesses who hold these last-named views have had the experience, like most of those whose evidence is quoted in Paragraph 547, of large numbers of congenitally defective persons in institutions, or of seeing for themselves many of the parents of children under their care. Their opinions are, therefore, to a great extent, based on the theories which they hold concerning the nature of hereditary transmission of characters, and, in some instances, are due, in part, to the fact that they include within the category of mental defect, certain cases of mental dulness which are in all probability the result of neglect or other incidental causes, and are curable by proper care and training.

Of these witnesses, at least half merely express opinions which tend to minimise the importance of the factor of hereditary transmission, though they do not quote cases in support of their views ; while two of them express doubts of its importance, but state that their experience is not sufficient to come to a decision. Accordingly we quote from the evidence of three witnesses who have maintained these opinions most strongly and have cited certain statistics in support of them.

Eichholz, Vol. I., 3614, p. 205, c. 2

Dr. Eichholz, H.M. Inspector of Special Schools under the Board of Education, stated that feeble-mindedness was largely bound up with "general physical degeneracy" and was mainly congenital; but that there was no proof that heredity had any part in the production of 70 per cent. of all cases. He was of

opinion that a history of direct nervous heredity was to be obtained in only 5 per cent. of all cases; and that drink, phthisis, and depravity of living on the part of parents are much more frequently associated with feeble-mindedness in the child than either direct or indirect heredity. He further laid stress on the theory of a "law of healthy birth," and alleged that there was a marked diminution in the fertility of the feeble-minded and a great mortality among the infants of so-called feeble-minded families. In the course of his evidence he further stated that, according to his observations, from 40 to 50 per cent. of the cases which he classed as "feeble-minded" recovered under care and training.

The relationship of "heredity" to mental defect —*contd.*

3614, pp. 209 and 210.

In so far as Dr. Eichholz's evidence is based on facts, it appears to rest mainly on histories of school children taken for him by the teachers. His statements regarding the greater prevalence of feeble-mindedness in connection with physical degeneracy and in urban areas will be considered below with reference to the reports of the medical investigators; as, also, his allegation of the non-fertility of the feeble-minded. Among the cases which he quotes, many instances of backwardness, due to the absence of proper training, are apparently included.

Dr. Robert Hutchison, Assistant Physician to the Hospital for Sick Children, Great Ormond Street, bases his evidence wholly on 100 cases of mentally defective children observed by him in the course of ordinary medical practice. From these he deduces the conclusion that neither hereditary transmission nor any of the other factors which have been alleged as productive of mental defect play any part in its causation. He concludes, accordingly, that feeble-minded persons are not more likely to produce feeble-minded children than are persons of normal mental capacity, and that bad conditions in the environment are not to be credited with any causal influence. He considers the occurrence of feeble-mindedness to be a "pure accident," apparently not attributing it to any organic defect of the brain. At the same time, he admits the influence of heredity in the production of "lunacy." This evidence tells against the views of all other witnesses and authorities alike, and on the ground that the data on which it is founded are quite inadequate, we may disregard it. Moreover, it is difficult to conceive what can be meant by a "pure accident" which is neither a spontaneous variation nor an injury occurring before or after birth.

Hutchison, Vol. II., 11127 to 11133, pp. 9 and 10.

Inadequacy of data is, indeed, a difficulty which militates at present against any absolutely final statement. Thus Dr. Mercier, who gave evidence on behalf of the Royal College of Physicians, the third witness on this side whom we quote, holds that the paramount influence of heredity in the production of feeble-mindedness is not proved by statistical evidence. He uses the word "feeble-mindedness" in the definite sense detailed in Chapter XXVIII. of this Report; and thus differentiates it from idiocy and imbecility. He admits that idiocy and imbecility are probably due, in the main, to an inherent and transmitted vice of organisation, and that there is a much greater chance of feeble-minded than of normally-minded parents producing feeble-minded children; but the minor defect of feeble-mindedness may result, he considers, from incidental forces alone, apart from hereditary transmission. Accordingly, in the absence of any sufficient statistics, he is of opinion that injurious conditions of environment may so affect the development of the brain in childhood that they may account for a large number of cases of "feeble-mindedness" which may be congenital only in appearance, and may not be necessarily due to any innate brain defect. Dr. Mercier's evidence is clear and consecutive, and amounts to the conclusion that not only is the frequent transmission of feeble-mindedness by inheritance not proved, but, also, that the organic defect of brain which underlies feeble-mindedness may be often the result of external influences which during childhood affect the growth of the brain injuriously.

Mercier, 6604. Vol. I., p. 363.

549. We have now to consider briefly whether the balance of evidence is in favour of hereditary transmission of mental incapacity as an important factor in the causation of "feeble-mindedness"; or, in other words, whether it is in favour of the probability that mentally defective children will be born of mentally defective parents to a much greater extent than of normal parents.

In support of the importance of heredity, there is such evidence as this:—

(*a*) A large majority of experienced witnesses who hold this view and cite, many of them, a large number of weighty instances in support of it. This evidence of itself establishes a strong *prima facie* case, and the evidence which may traverse it is still to seek.

(*b*) The wide prevalence of this view among numerous observant individuals, other than medical, who visit the homes of the feeble-

The relationship of "heredity" to mental defect —*contd.*

minded. The value of this kind of evidence, based on simple enumeration unchecked by negative instances, cannot be precisely estimated; but its importance can scarcely be called in question.

Reid, App. Vol. V., p. 247.

(*c*) The almost overwhelming probability, from the biological standpoint, of this view being true. Against this position, shortly set forth below, there has been adduced practically but one argument, viz., the operation of the so-called "law of healthy birth," or, in other words, of the tendency of comparatively rare peculiarities, such as feeble-mindedness, to be swamped in the course of generations by blending or cross-breeding, *i.e.*, by the influence of normal parents. This argument, however sound, is clearly of little practical weight unless it be denied that feeble-mindedness is such a heritable peculiarity subject to such eventual swamping. Dr. Eichholz, however, who adduces this argument, does not deny this; for he enunciates the hypothesis that a "feeble-minded family is on the racial down grade, subject, in a few generations, to extinction." In this connection the probable nature of the swamping is of some importance. Speaking generally, the trend of the evidence indicates that the offspring and descendants of feeble-minded persons are either apparently normal or distinctly feeble-minded. In the same family occur both types, the same person may have both normal and feeble-minded offspring and descendants; the defect may skip one or more generations and appear later. It would appear, therefore, that the swamping may be due not so much to a gradual obliteration of the defect by a blending with normality, as to its becoming latent or overlaid by the latter. It would seem also that the probability of its re-appearance amongst descendants is in some degree proportionate to the frequency with which it has occurred amongst ancestors.

In corroboration of the belief widely held, as we have seen, by expert observers and very explicitly expressed (especially by Professor Sir T. Clifford Allbutt, K.C.B., Dr. Ashby and others) in the transmissibility and very frequent transmission of mental defect from parent to child, we would call attention to two memoranda submitted to us by Professor Sir E. Ray Lankester, K.C.B., and Dr. Archdall Reid respectively.

App. Vol. V., pp. 246–249.

Professor Sir E. Ray Lankester holds that congenital feeble-mindedness, or mental defect dating from birth or observed at a very early age, is spontaneous originally, and truly hereditary subsequently. It is a reversion to a more primitive condition of brain, and is certainly transmitted. It is not brought about by starvation or other such conditions; but, more probably, it is the result of easy conditions of life, which involve the absence of such selective destruction as obtains in nature and among more primitive men. The notion that causes such as "innutrition," wasting disease, improper period of parentage, or alcoholism, have anything to do with the form of "amentia" called feeble-mindedness is devoid of all proof. The teaching of biology is opposed to the possibility of such a connection.

App. Vol. V., p. 247, c. 2.

Dr. Archdall Reid is of the same opinion as Professor Sir E. Ray Lankester. Like most of the witnesses, he considers that the great majority of the cases of feeble-mindedness are innate, and that feeble-mindedness implies a brain defect, which is a reversion—a true variation—and must tend to be inherited. He also adduces several arguments and instances which traverse the theory of the environmental causation of feeble-mindedness.

550. The view that injurious conditions in the environment which affect the parent or the child *in utero* or after birth are of importance in the production of feeble-mindedness needs some further practical comment. The Memoranda quoted in the preceding paragraph (549) contain strong arguments against any likelihood of such factors being in any way operative as causes. Many races have been exposed to one or other of all the ill conditions which have been alleged as causes of filial deterioration. In every case the only apparent effect has been to render these races capable of dwelling comparatively unharmed under such conditions. It is not to be conceived that a race which deteriorates in every generation can emerge from the struggle not weakened, but strengthened.

Vol. VI., pp. 234, 235, 236.

Moreover, almost conclusive disproof of this hypothesis is furnished by the facts submitted to us by the medical investigators. These observers show that feeble-mindedness is practically as common in rural as in urban districts, and probably no less prevalent among the well-to-do than among the poor. It is clear that if the contentions of those witnesses who place predominant stress

on adverse environmental influences as a cause of feeble-mindedness were just, there would be an unquestionable prevalence of this affliction among the urban poor:—the chief victims of poverty and disease. The relationship of "heredity" to mental defect —*contd.*

551. With regard to the allegation of the small fertility of mentally deficient persons the reports of some of our medical investigators and other witnesses, both medical and otherwise, tend to show that although, as might be expected for several reasons, there is great mortality among the children of these persons, there is also a very marked degree of fertility and survival to adult age, especially among those of the higher grades who are termed feeble-minded. Miss Dendy, Honorary Secretary of the Lancashire and Cheshire Association for the Permanent Care of the Feeble-minded, a very experienced witness, has stated elsewhere that from her personal knowledge she can show that the higher grades of feeble-minded persons (who are the most numerous and dangerous) tend to have very large families; and that she can prove this from the detailed records of 1,000 cases. See Chapter XXIX.

552. It is not necessary here to dwell upon some other causes of mental defect, such as disease or accident in early life, or even before or at birth, operating through injury to the brain. Cases of this kind are recognised by all; and do not complicate the present question. They occur in comparatively few instances.

553. In conclusion, we may fairly sum up the general effect of the evidence as follows:—

(1) That both on the grounds of fact and of theory there is the highest degree of probability that "feeble-mindedness" is usually spontaneous in origin—that is not due to influences acting on the parent—and tends strongly to be inherited.

(2) That, especially in view of the evidence concerning fertility, the prevention of mentally defective persons from becoming parents would tend largely to diminish the number of such persons in the population.

(3) That the evidence for these conclusions strongly supports measures, which on other grounds are of pressing importance, for placing mentally defective persons, men and women, who are living at large and uncontrolled, in institutions where they will be employed and detained; and in this, and in other ways, kept under effectual supervision so long as may be necessary.

Conclusions
Scott, Vol. I., p. 276, c. 2.
Mercier, Vol. I., p. 364, c. 2, 6625, 6630, 6656, 6864.
Kerr, Vol. I., p. 436, c. 1, 7867, 7954.
Mott, Vol. I., p. 456, c. 2.
Allbutt, Vol. I., p. 532, c. 2, 9190.
Langdon-Down, Vol. I., 9262.
Shuttleworth, Vol. I., p. 574, c. 1.
Ashby, Vol. I., 10067.
Bedford Pierce, Vol. I., 10663.
Damer Harrisson, Vol. I., p. 617, c. 2, 10772.
Wilkinson, Vol. II 12901.
Miss Dixon, Vol. II., p. 296, c. 2, 16176, 16199, 16207, 16231.
Penn Gaskell, Vol. II., p. 319, c. 2, 16504.
Whitcombe, Vol. II., p. 432, c. 2.
Potts, Vol. II., p. 475, c. 1.
Hime, Vol. II., p 518, c. 1, 19925.
Pasmore, Vol. II., p. 535, c. 1.
Rainsford, Vol III., p. 97, c. 2.
Nixon, Vol. III., p. 103, c. 2.

In our opinion, the general feeling of the people would at present rightly condemn any legislation directed chiefly or exclusively to the prevention of hereditary transmission of mental defect by surgical or other artificial measures. The possibility of adopting such measures was referred to by twenty-one of the witnesses, but only three of them expressed opinions in favour of the practicability of such a course.

The question naturally rises whether it is desirable and practicable that any steps should be taken to place obstacles in the way of the marriage of persons ascertained to be mentally defective over and above the restrictions on marriage and procreation which ensue from the detention in institutions of mentally defective persons in whose case such procedure is deemed necessary; and, if there be a disposition to answer the question in the affirmative, the problem must be faced, to which of the classes of the mentally defective should such additional restrictions be applied.

Such legislation would not be an absolute novelty in English speaking communities; but there is little or no reliable information as to the practical results of the tentative efforts in this direction which have been made in New Jersey and elsewhere; and it is clear that such legislation however carefully restricted would in effect operate less by imposing an easily enforceable legal prohibition than by guiding and directing the advisory functions of medical and other authorities and in other ways educating public opinion to the proper consideration of a very serious evil.

We are of opinion that it would be unwise to attempt to modify or supplement the existing law with respect to the marriage of "persons of unsound mind." It is perhaps unnecessary to refer to other objections to any such proposal; it is clear that the limited and often temporary nature of this particular mental disability renders it impossible either to prohibit permanently the marriage of such persons or to set out in practically useful legislative proposals the conditions under which such marriages might take place.

No such obstacle, however, presents itself in the case of those persons who exhibit the congenital and incurable forms of mental defect, and we believe that a legislative prohibition affecting these classes would have useful direct and indirect effects.

CHAPTER XXVIII.

The Definition of Classes of Mental Defect.

The nomenclature of mental defect considered from the point of view of administration.

554. In our last chapter we discussed, especially, the causes of mental defect in early life; and concluded that, in the main it was attributable to primary defect of the brain, *i.e.*, not due to external causes; that it was truly transmissible by inheritance; and that its subjects were only within certain limits improvable. We have now to define and classify its variations. Mental defect represents several distinct variations from the normal, between which there are many grades that pass almost imperceptibly from the characteristics of one group to those of another. Our object, however, is to distinguish classes of defect for purposes of administration, rather than to note, identify, and compare grades of defect, from the point of view of science. Still we desire to adopt a system of classification which is in harmony with the best scientific opinion that we can obtain, for on it, if our proposals are adopted, will depend the system which we recommend, of registration and record, of certification, and of provision, institutional and other.

The selection of terms in place of the word "Lunatic."

555. We have considered the desirability of employing some one general term to indicate the whole class of mental defectives for purposes of certification and record, ignoring all subdivisions. This would be simplicity itself and much could be urged in favour of it. But we have adopted in preference the plan of definition and classification; because it is common practice to degrade words suggestive of objectionable conditions which people are unwilling to believe to be applicable to themselves or their relations. Hence the word "lunacy" has become more and more repellent until the use of it is indeed a hindrance in administration. The same sentiment in a degree affects the use of the words "idiot" or "imbecile," and even the later word "feeble-minded." But this feeling would be aggravated if the single word, whatever it might be, suggested for use as representing all classes of defects, became, like the word "lunatic," a word which, in the general estimation, represented only or almost entirely the extreme and more repulsive forms of mental defect. An endeavour would then everywhere be made to avoid both the use of the word and the use of the organisation for the care and protection of the several classes for which the State had made provision, but which would be inacceptable on account of associations connected with the name. The administration of the Lunacy Act, 1890, itself affords some evidence on this point. More and more it would seem that "receivership cases," dealt with under Section 116 (*d*) of that Act as cases of mental infirmity, owing to disease or age, in such a way as to control the property of the person only, are increasing in number; for "in the great majority of cases of alleged lunacy it is not necessary to obtain a greater amount of control over the person of an alleged lunatic than is indirectly obtained by the power of the purse." On the other hand "inquisition cases," cases in which the question of lunacy is settled by the Masters in Lunacy or by a jury, tend to become fewer. The method of inquisition brings the question of lunacy into prominence in relation both to person and property; the method of receivership minimises it and affords a private control over the mentally infirm person through the control of his property. The one therefore is acceptable and popular, the other deterrent and unattractive; and in matters which are at the option of the applicant, the greater or less considerateness of the procedure is always a chief question.

Shuttleworth, Vol. I., 9857.
Mercier, Vol. I., 6698, 6701.

Fischer, Vol. I., p. 155 c. 1.
2914, 2917, 2919, 2960.
Crichton-Browne, Vol. I., 6168.

Fischer, Vol. I., 2961.

The relation of nomenclature to administration.

Recommendation III.

556. For such reasons as these we have recommended the use of the words "mentally defective" as a general term indicative of all classes of mental disorders, thus displacing the word lunacy from that position; for in certification at the present time there is hardly a question but that the word "lunacy" stands for the whole class, and that, as lunatics, many mentally defective persons besides those who would strictly be called "lunatics" and "idiots," are admitted to asylums. Thus, at Darenth, the children admitted to the institutions of the Metropolitan Asylums Board, though neither lunatics nor idiots, as these words are generally understood, are certified as such. So, in lunatic asylums of the county council, there are many imbeciles as well as idiots, "700 idiots and imbeciles, out of a total population of a little over 14,000, or roughly about 5 per cent." So also in such cases as that mentioned by Mr.

Rotherham, Vol. I., 8759.
Tredgold, Vol. I., p. 399, c. 1.

Troup, Vol. I., 1353.

Troup, in which "the Lunacy Commissioners were consulted and said that no idiot asylum would take the lad in question; they did not think he was certifiably insane." Yet finally he had to be left in the county asylum, which "certainly did not seem a very appropriate place for an imbecile of that class." Accordingly we would displace the word "lunatic" as representing the whole class of mentally defective. But we would go further and would displace it also as a word signifying the more extreme forms of mental defect due to mental disorder or derangement. Instead of it, in that sense, we would use the words "person of unsound mind." The change is not merely pedantic. We desire to promote the establishment of such institutions as are necessary for the classes which the different words of our classification represent; and we would prevent the sending of patients who, though differing in the extent of their defectiveness, are called by one name, to institutions unsuitable for them, as much as we would avoid the sending of such patients to suitable institutions under quite unsuitable names, as when feeble-minded children are sent to Darenth as certified lunatics or idiots. Thus, the utility of a satisfactory nomenclature is largely administrative. By its use, also, another advantage may to some extent be gained. The expenditure on some classes of mental defectives, as we saw in the case of some classes in the idiot asylums, and amongst other instances in the case of the senile dements at Tooting Bec, is much greater than on others. Difference in nomenclature should tend to prevent this, carrying into it a difference in certification, and by sequence a difference in the selection of the institution suitable for patients certified. Instead, therefore, of imbeciles, for instance, being treated in expensive establishments, they would be provided for economically as requiring little beyond employment, maintenance, shelter and control. And, in consequence of changes of this kind, consistent alike with a better nomenclature and more exact certification, institutions and homes might to a larger extent be specialised; and asylums might become hospitals to a much greater extent than they are at present, thereby fulfilling an infinitely greater service to science and to administration. Thus the names which we desire to introduce imply differences of treatment, and suggest discrimination, both in the selection and admission of cases and in the use of means.

The relation of nomenclature to administration —*contd.*

Kelby, Vol. I., 5293.

Dendy, Vol. I., 986.
Lawrence, Vol. I., 7679.
Caldecott, Vol. I., 10385.
Tredgold, Vol. I., p. 399.

557. From very early days, not the word "lunatic" only, but also the words "of unsound mind," or "*non compos mentis*," have been in use as representing the class which we generally term "insane," as distinguished from the class "idiot" or "natural fool." And the Statutes ring the changes on the words "lunatic," "insane," "of unsound mind" as representing a mental condition which the judges in 1843, in their answer regarding the Macnaghten case, defined as "defect of reason from disease of the mind." Of these words, we have chosen "of unsound mind" as the most suitable to supersede the word "lunatic;" and our definition of it is a "person who requires care and control owing to disorder of the mind and is consequently incapable of managing himself or his affairs."

The use of the words of "unsound mind."

The Law and practice of Lunacy; G. W. Abraham, p. 25.
Cf. Criminal Lunacy Act, 1800, Criminal Lunacy Act, 1838. Lunatics Removal (India) Act, 1851. Trial of Lunatics Act, 1883.
Recommendation IV.

558. This definition requires further consideration in reference to the terms now used in the Lunacy Act of 1890.

The classes dealt with under the Lunacy Act of 1890.

We propose that future procedure in regard to cases of alleged unsoundness of mind should be founded as closely as possible on the procedure of the Lunacy Act of 1890. It is the more necessary, therefore, to consider the terminology of the Act in relation to the classes which it mentions. The first part of the Act, that on "Reception of Lunatics," as the forms of certificates show, refers to "a lunatic [or idiot or person of unsound mind]." We desire, as we have said, to omit the word "lunatic," and to use the words "person of unsound mind" as the sole words applicable to the class above defined. The use of the word "idiot" in connection with this class would thus be set aside absolutely; it would have the special meaning now generally ascribed to it, as defined below.

The other phrase in the Lunacy Act which defines a lunatic is found in Part III., "Judicial inquisition as to Lunacy." A person found lunatic on inquisition (Sec. 90) is adjudged to be "a person of unsound mind and incapable of managing himself and his affairs," or "himself *or* his affairs." (Sec. 94 and 95.)

The classes dealt with under the Lunacy Act of 1890—*contd.*

A third class provided for by the Lunacy Act is the "mentally infirm." This class is not a "lunatic" class. By Sec. 116 (*d*) the benefit of the Act as to the management of property is extended to "persons not detained as lunatics and not found lunatic by inquisition with regard to whom it is proved to the satisfaction of the Judge in Lunacy that such persons are through mental infirmity arising from disease or age incapable of managing their affairs." Hence these persons are included in the Act in order that their property may be protected and cared for, when they are themselves unable to care for it owing to mental infirmity. They are not technically "unsound in mind."

Recommendation X.

The advantages of this clause, for the management and administration of property, we propose to extend to all classes of the mentally defective. We consider it here, therefore, merely as representing a class of the mentally defective, and we retain the term "mentally infirm" as the name of a class of persons who "through mental infirmity, arising from age or from the decay of their faculties, are incapable of managing themselves or their affairs." The proviso "arising from disease" we omit. It is unnecessary, as the definition of "persons of unsound mind," in which the mental defect is referred to as due to "disorder to the mind," already provides for such cases.

Recommendation IV. (1).

Definitions of classes of mentally defective persons.

559. The distinctive phrase of the Lunacy Act "unable to manage themselves or their affairs" we have taken as the determining words in these and other definitions, and in view of the definitions in the Act we have in the first place recommended these two, as representing classes of persons who should come under the supervision of the Board of Control:—

Recommendation IV.

(1) "Persons of unsound mind," *i.e.*, persons who require care and control owing to disorder of the mind and are consequently incapable of managing themselves or their affairs, and are not included in Classes (2), (3), (4), (5), (6), (7), (8), and (9) below.

Recommendation IV.

(2) "Persons mentally infirm," *i.e.* persons who, through mental infirmity, arising from age or from the decay of their faculties, are incapable of managing themselves or their affairs.

Savage, Vol. I., p. 357, c. 2. Crichton-Browne, Vol. I., 6006. Mercier, Vol. I., 6687.

For the definitions that follow we are chiefly indebted to the Royal College of Physicians of London. It would have been possible for us to adopt the usage of defining the next three groups of mentally defective persons as "higher grade" or "lower grade" idiots or imbeciles, whichever word might have been then selected as distinctive: but we have thought it best to use words already known and generally used and, in a manner, waiting for definition. The definitions are:—

Recommendation IV.

(3) "Idiots," *i.e.*, persons so deeply defective in mind from birth or from an early age that they are unable to guard themselves from common physical dangers, such as, in the case of young children, would prevent their parents from leaving them alone.

(4) "Imbeciles," *i.e.*, persons who are capable of guarding themselves against common physical dangers, but who are incapable of earning their own living by reason of mental defect existing from birth or from an early age.

(5) "Feeble-minded," *i.e.*, persons who may be capable of earning a living under favourable circumstances, but are incapable from mental defect existing from birth or from an early age (*a*): of competing on equal terms with their normal fellows; or (*b*) of managing themselves and their affairs with ordinary prudence.

(6) "Moral imbeciles," *i.e.*, persons who from an early age display some mental defect coupled with strong vicious or criminal propensities on which punishment has little or no deterrent effect.

(7) "Epileptics," *i.e.*, persons who, being epileptic, are also mentally defective,

(8) "Inebriates," *i.e.*, persons who, being inebriates, are also mentally defective.

(9) "Deaf and dumb" or "blind" *i.e.*, persons who being deaf and dumb or blind are also mentally defective.

560. We will consider these definitions in some detail. First it might be said that the words "incapable of earning a living under favourable circumstances" suggest a test which, though it may be applicable to children of twelve, is hardly applicable to children of a lesser age. The question was put to Dr. Tredgold. His answer was: "I think it is quite possible to say, even at the age of seven, with a certain degree of probability, whether a child would be able to earn his living or whether he would not (you could not be absolutely certain until you tried him) just as it is possible to differentiate between idiocy and the normal condition at a much earlier age than seven years."

The use of the words "incapable of earning a living," as applied to children.

Tredgold, Vol. I., 7450, 7452.

And we have adhered to the definition, as suggested by the Royal College of Physicians for, as our evidence shows, being able to earn a living is often, on the social side at least, the critical question in regard to feeble-minded children. All these definitions, applied to quite young children, must be in some degree presumptive. The very good definitions submitted to us by Sir James Crichton-Browne, of the "imbecile" and the "feeble-minded" do not turn on the "capacity of earning a living, but they have in some measure to define the child by anticipation, by standards applicable to a later time of life than early childhood, such as prudence, independence, and self-control" or "taking care of himself in the common affairs of life." These definitions are:—"An imbecile is a person who by reason of arrested development or disease of the brain dating from birth or early years has the use of his observing and reasoning faculties so restricted as to incapacitate him for education in the ordinary sense or for taking care of himself in the common affairs of life, and who in his appearance and manner generally evinces his mental shortcomings."

Crichton-Browne, Vol. I., 6006–6008.

6007.

"A feeble-minded person is one who by reason of arrested development or disease of the brain dating from birth or from some age short of maturity has his observing and reasoning faculties partially weakened, so that he is slow or unsteady in his mental operations, and falls short of ordinary standards of prudence, independence and self-control."

6006.

561. To take another point. In the definition of "feeble-minded" which we have adopted, we assume, as the Royal College of Physicians do likewise, that "the prodigal and the facile" are included. Much evidence in regard to this has been submitted to us. Sir James Crichton-Browne and Dr. Savage emphasised the need of including these cases among the mentally defective; and Mr. C. M. Barker, President of the Incorporated Law Society, and Mr. J. W. Budd, who also appeared on behalf of that society, stated:—

"The prodigal and the facile."

Crichton-Browne, Vol. I., 5985. Savage, Vol. I., 6532. Mercier, Vol. I., 6680. Budd, Vol. II., p. 363, c. 1, 17365–17371. Barker, Vol. II., 17073. Rawle, Vol. II., 17426.

> "That it would be desirable to give the Court of Chancery on the application of any relation, power to appoint a receiver of the property of any spendthrift or other feeble-minded person not coming under the provision of the Lunatic or Idiots Act, and to give directions to the receiver as to how the money, whether capital or income, is to be applied for the benefit of the feeble-minded person, and to prevent such person from having power to deal with his property or contract obligations of any kind without the assent of the receiver or the approval of the Court, leaving it, of course, open to the person against whom such an order might be obtained to apply to discharge it or modify it on good cause shown."

We have assented to these suggestions, and under the above definition of "feeble-minded," cases like those which these witnesses mentioned could be dealt with under a new Sec. 116 (*d*) of the Lunacy Acts, enlarged and revised.

Budd, Vol. II., 17267. Barker, Vol. II., 17161.

562. The next class is the "moral imbecile." Again, Sir James Crichton-Browne has furnished us with an admirable definition. It is as follows:—

The moral imbecile.

> "The moral imbecile is a person who by reason of arrested development or disease of the brain dating from birth or early years displays at an early age vicious or criminal propensities which are of an incorrigible or unusual nature, and are generally associated with some slight limitation of intellect."

Crichton-Browne, Vol. I., 6007.

If this definition be adopted, or the definition which we have recommended, it will be possible to bring persons of this class under control, and, if need be, detention, if they are found to be mentally defective within the terms suggested. Several witnesses cited cases of the kind, one or two of which we think it well to mention.

Recommendation IV.

Dr. Mercier, when asked to state the reasons why feeble-minded people who are "socially dangerous," who "have an unimprovable degree of feeble-mindedness," are not certified, mentioned one instance. He said:—

> "I think the reason for non-certification undoubtedly is the prevalent opinion that insanity is necessarily a disorder of intelligence, that it means delusion, or it means intellectual disorder or intellectual defect, and that it is recognised by a comparatively

Mercier, Vol. I., 6806.

The moral imbecile—*contd.*

small number of medical men and by a still smaller number of magistrates, that insanity may be manifest in conduct alone, and that a person may be free from delusion and may be intellectually extremely acute and clever, and yet insane, on account of conduct alone.

"I may give an instance or two. I was consulted a short time ago about a gentleman who went about and bought things. He bought a large number of clocks and gave them away to people with whom he had scarcely any acquaintance at all. His total income was only about £200 a year, yet he bought £10 or £15 worth of clocks, and gave them away to people with whom he was scarcely even on nodding acquaintance. He jumped off the pier, with all his clothes on, into the sea—as he said—to cool himself. He did various other acts quite as insane as that, but he was exceedingly acute; he was a man who could argue, as they say, 'the hind legs off a dog;' it was impossible to catch him tripping; he had plausible reasons for everything he did. I certified him on account of his conduct, rapidly running through his money, spending it recklessly on all kinds of foolish things, of which the clocks are one instance out of many. I certified him as being insane, but no magistrate would make an order on that certificate, and I had to go down to Oxford myself and personally persuade the magistrate that it was a case that ought to be certified, and the justice of his detention was proved within a few months by his becoming distinctly insane and cutting his throat."

This reply indicates the change which the definition, if adopted, would entail. The existence of mental defect would not be considered settled by the answer to the question, whether the offender "knew the nature and quality of the act he had done; and if not, whether he had done wrong," but by a decision on the issue whether the facts interpreted by the evidence of vicious or criminal propensities and incorrigibility proved that the will and judgment were so abnormal as to amount to mental defect.

Savage, Vol. I., 6559.

Dr. Savage, who, like Dr. Mercier, gave evidence on behalf of the Royal College of Physicians, also mentioned some typical cases. He said:—

"There are certain persons who seem to have no sense of the rights of property; they steal—the so-called kleptomaniacs. One saw a good many of these cases, but beyond the fact of stealing they showed no intellectual defect. Very often they were brilliant people. The contention of the College of Physicians up to a recent time has been that such people should not be treated except as criminals. There are certain individuals, sometimes intellectually quite brilliant, but no experience teaches them they should not steal; they steal in the most open and stupid manner. Take an example; a boy is told that there is a thief about, they are going to put down some postal orders to catch him; the boy, the first time he comes into the room takes up the postal orders and goes off and cashes them. In other respects that boy was rather a brilliant boy intellectually, with the exception of his not appreciating the rights of property."

"In the same way one sees individuals who are immoral. Take an example; it hardly falls within your ground, because I stretched the line and signed the certificate, though I should hardly like to be cross-examined on it—a girl at ten years of age who was a thief and a liar to an extraordinary degree. When she came to about seventeen, lust developed to such an extent that there was no controlling her. Her parents, who belonged to the good middle class, were refined, nice people. She slipped away from her home and led the life of a prostitute for a night or two. She is brought back, and on the first opportunity she again slips away from home. When I see her she says, 'Oh, yes;' she admits she has done this, that, and the other. 'Are you not sorry?' 'No.' 'Suppose we let you go into the country, what will you do?' 'Come back to town and do the same thing again.' There is an individual who began by being morally insane in relation to property, with a complete disregard of truth, and when she becomes adolescent, becomes morally insane so far as lust is concerned."

Savage, 6560. Bund, Vol. II., 19499. Clepham, Vol. II., 18469. Raw, Vol. II., p. 399, c. 2. Bartholomew, Vol. II., p. 307, c. 2.

And the evidence shows that there are many such cases.

The morally insane.

563. Of another class also—the morally insane—definitions were suggested to us. The definition of the Royal College of Physicians was as follows:—

Savage, Vol. I., p. 357, c. 1.

"'*Morally insane person*' means a person who, after many years of reputable life, all at once unaccountably exhibits vicious propensities, or takes to criminal courses."

Sir James Crichton-Browne's definition is—

Crichton-Browne, Vol. I., 6007.

"A morally insane person is one who, by reason of disease or disorder of the brain, has undergone a change of character manifested in a course of vicious or criminal conduct without obvious impairment of intellect."

These definitions connect themselves not with the retardation of the brain which manifests itself at birth or in the early years of life, but with disorder of the mind at a later date, or "acquired." The morally insane are thus included in the definition of "Persons of Unsound Mind" in Recommendation IV. And we do not consider it scientifically correct to constitute them into a separate category.

The use of the definitions. Mercier, Vol. I. 6687, 6691.

564. On the definitions generally we have now to add a few words. The Royal College of Physicians, in framing the definitions of idiot, imbecile and feeble-minded persons, desired "to emphasise the fact that those were three degrees of a single defect; and, as the terms had never been demarcated from one another, to put forward useful lines of distinction between them, showing where the one may be considered to begin and the other to end." They drew up

the definitions "for purely practical purposes." We have, therefore, adopted these definitions as they stand, for practical purposes only. It is to be clearly understood that the scientific question of the causation of feeble-mindedness, whether, for instance, it be mainly "inherited" or "acquired," has no bearing on the use of these definitions. The complete set of definitions given in Recommendation IV. are to be regarded, in our opinion, as covering all cases of mental defect to which those who are interested in the care, training, and control of such persons have called attention.

The use of the definitions—*contd.*

565. There is one other class to which we have to refer—the persons who are discharged from lunatic asylums, though they are "unrecovered." At present a person who has been admitted to an asylum under the usual procedure of the Lunacy Act, 1890, and who, under the intra-mural conditions of asylum life, appears to have recovered, is absolutely released or sent out on a month's trial; and "many of them," we are informed, "are brought back within the month." Dr. Mott, thinks there is "a considerable amount of untreated lunacy in the country resulting from premature discharge of this kind." This prematurity of discharge, it is stated, is in part due to want of accommodation, and in part to the absence of "a better history of the patients as to the cause of insanity." It has also been alleged that it is often attributable to a feeling on the part of medical superintendents that they cannot in such cases sign such a continuing certificate as will satisfy the scrutiny of the Lunacy Commissioners. The patient has, in the guarded life of the asylum, become rational and tranquil; the medical officer feels at a loss, therefore, in attempting to set out "facts observed by himself" to support a certificate of insanity. We are satisfied that no real ground exists for this apprehension, and that the Lunacy Commissioners or the Board of Control as they would be in the future, would not in any case insist on the discharge of a patient whose speedy relapse might reasonably be anticipated. Both of these defects should, we think, be met by our recommendations. A good system of recording, such as we propose, coupled with a series of clear definitions, under which patients requiring treatment may be certified and dealt with, not all alike as "lunatics," but individually as persons requiring special treatment, should prevent these evils. Persons whose mental attacks may for a time have passed over, but who remain subject to quick relapse when they face the stress or the temptations of the outer world, should in this way be retained and controlled until, if it be possible, they recover completely and satisfactorily. These and other advantages, we hope, may follow from the use of the nomenclature which we recommend, and the methods of certification and provision which depend on it. It can be argued that the Lunacy Act of 1890 covers, or should cover, the whole ground of mental defect which may be included in the terms "lunatic," "idiot" and "unsound mind," if to the last of these words a very wide meaning indeed be attached. But in fact, except casually and arbitrarily, all mentally defective persons but "lunatics" and "idiots" have come to be excluded from the operation of the Act. We hope, therefore, that with the aid of a remodelled Statute and by the adoption of the nomenclature which we recommend, many persons who are not "lunatics" or "idiots," and who require very different treatment from either, may receive the protection which they greatly need, but which is altogether denied them at present.

The definitions considered in relation to "unrecovered" cases.

Mott, Vol. I., 8040, 8042, 8084, 8085, 8097.

Mercier, Vol. I., 6698.

CHAPTER XXIX.

General Statistics and the Reports of the Medical Investigators.

566. In Part II. of the "Reports of the Medical Investigators with Memorandum thereon (Volume VI.)" a summary of the results of the investigation made by the Medical Investigators is given; and in Part III. follow tables compiled from the figures which they collected; and, lastly, in Part IV., come their reports. In dealing with different branches of our subject, we have already quoted figures and statements from these reports. Accordingly, here we propose to deal only with three questions: the general statistical results of their inquiry; the evidence in regard to the number of the mentally defective as furnished by the last census; and, finally, the natality and mortality of mentally defective persons.

Reports of the medical investigators with memorandum thereon. Vol. VI.

I. General Statistical Results of Inquiry by our Medical Investigators.

Reports of the medical investigators with memorandum thereon—*contd.*

567. The classification of mental defect which was adopted for use in the investigation was in the main the same as that which in the recommendations we made in the last chapter, Chapter XXVIII., we suggested as suitable for purposes of certification and administration. The inquiry was made in the years 1905 and 1906.

Vol. VI., Part II.

The areas investigated were selected as fairly typical. As urban areas were chosen Stoke-upon-Trent, Birmingham, Manchester with Chorlton and Prestwich, and Hull with Sculcoates. As a mining district, otherwise rural, the area of the unions of Chester-le-Street, Easington and Sedgefield in the county of Durham were selected. As rural areas, were taken six unions in Somerset—Bridgwater, Taunton, Chard, Wincanton, Langport, Yeovil; ten unions in Wiltshire—Bradford-on-Avon, Pewsey, Chippenham, Salisbury, Swindon, Devizes, Tisbury, Trowbridge, Marlborough and Wilton; in Nottinghamshire four unions, partly rural, partly mining and industrial—Mansfield, Southwell, Newark and Bingham; in Lincolnshire six unions—Glanford Brigg, Caistor, Louth, Spilsby, Horncastle and Bourne. Lastly, in Wales: in Carmarthenshire four rural unions were chosen—Carmarthen, Llanelly Union, Llandilo Fawr, and Llandovery Union; and in Carnarvonshire four unions—Carnarvon, Bangor, Pwllheli and Conway. In all cases union areas were selected, and in all the rural areas of investigation there was a fairly equivalent population of 130,000 to about 150,000 persons. The population of all the areas taken together is 2,362,222. London, it will be seen, is not included. There was, as our report shows, much information in regard to London, and the difficulties of making a complete census there without incurring very large expenditure were practically insurmountable. Yet, on the whole, the population of the two millions and a third, composed of urban, mining, and rural elements, may be accepted as fairly representative.

Tabular statement of results in the population of the combined areas selected.

568. In this population, if we omit all certified lunatics, whether paupers or not, we find that there were 10,925 mentally defective persons, or ·46 per cent. of the population. None of these figures are estimated: they are the figures as enumerated by the medical investigators. The results may be tabulated thus:—

Totals, less certified lunatics, of Mentally Defective Persons in the selected areas, England and Wales, in relation to local and other authorities and institutions for Education, Poor Relief, Crime and Lunacy, etc. Population, 2,362,222.

See Vol. VI., pp. 7, 8, 9, Part I, and Tables III., IV., and V., pp. 58–62, Part III.

Authorities.	Total population dealt with by the several authorities.	Total number of persons other than certified lunatics reported as mentally defective.	Percentage of Col. 3 on Col 2.	Total number of mentally defective persons reported as "needing provision."[1]	Percentage of Col. 5 on Col. 3.
1.	2.	3.	4.	5.	6.
I. Education—					
Scholars on the Registers	436,833	3,437	·79	2,590	75·36
II. Poor Law—					
(1) Indoor - - -	15,748[2]	2,864[3]	18·19	481	16·79
(2) Outdoor - - -	43,155[2]	997[3]	2·31	388	38·92
III. Prison Authorities—					
Local Prisons - -	2,448[4]	246	10·05	216	87·81
IV. Persons mostly under no public authority - -	1,864,038[5]	3,381[3]	·18	1,181	34·93
Population of total areas -	2,362,222	10,925[3]	·46	4,856	44·45

[1] The object of this column is to supply an estimate of the number of persons at the present time urgently in need of provision, either: (1) in their own interest; or (2) for the public safety. It is recognised that there may be many others for whom the present accommodation is not ideal; these are not here included, but only such cases as were in the opinion of the investigator, unproperly, unsuitably, or unkindly cared for; or who, by reason of particular habits and characteristics, are a source of danger to the community in which they live.

[2] Less insane (excluding lunatics in county and borough asylums, registered hospitals and licensed houses). Pauperism, England and Wales, Half-Yearly Statement, July 1st, 1905, pp. 17, 21, 23, 25, 27, 33, 35, 37 and 39.

[3] There were 1,414 persons found to be lunatic or insane and *not* certified. They are included chiefly in Groups II. and IV.

[4] This figure represents the number of prisoners seen in the local prisons. No mentally defective persons in convict prisons are included.

[5] This is the general population other than that included in institutions, etc., as above.

569. But from the table one or two points stand out. By the adoption of our proposals a very considerable obligation would be taken off the education authorities. The percentage of mentally defective school children (Col. 4) is ·79. In towns and urban centres, however, the percentage is higher, *e.g.*, 1.12 in Birmingham and 1.24 in Manchester, Chorlton and Prestwich. Also in some rural areas it is higher. Thus in the Lincolnshire area it is 1·10. The obligation, financial and general, which these figures represent would be taken off the education authorities. A great charge on the Poor Law would also be removed—amounting on indoor relief alone to 18·19 per cent., and on outdoor relief to 2·31 per cent. of the paupers. So again, 10 per cent. of the prisoners in the local prisons would come under the proposed new authority. But in addition to these, from "persons mostly under no public authority" there would be a number of mentally defective persons who are not in any of the ranks above mentioned, but for very many of whom provision would have to be made in some of the many ways that are applicable in individual cases.

Tabular statement of results in the population of the combined areas selected—*contd.*

Vol. VI., pp. 19, 26 and 31

Vol. VI., pp. 61 and 63.

570. These results we may by proportion adjust to the population of the whole country in order to obtain a rough general estimate. The following table indicates the conclusions.

Estimated number of mentally defective persons in England and Wales.

ESTIMATED NUMBER of Mentally Defective Persons, excluding Certified Lunatics, in the general population of England and Wales in relation to local and other authorities and institutions for Education, Poor Relief, Crime, Lunacy, etc. Population (1901) 32,527,843.

Authorities.	Total Population dealt with by the several authorities.	Total number of persons other than certified lunatics reported as mentally defective.	Percentage of Col. 3 on Col. 2.	Total number of mentally defective persons reported as "needing provision."[1]	Percentage of Col. 5 on Col. 3.
1	2	3	4	5	6
I. Education—					
Scholars on the Registers - -	6,044,394	47,515	·79	35,804	75·35
II. Poor Law—					
(1) Indoor Paupers (including casuals) - - - - -	229,804[2]	41,793	18·19	6,990	16·72
(2) Outdoor Paupers - -	532,778[2]	12,308	2·31	4,790	38·92
III. Lunacy—					
(1) Certified Lunatics, etc. -	121,979[3]				
(2) Uncertified - - -		[19,517][4]		[1,945]	[9·97]
IV. Prison Authorities—					
(1) Local Prisons - - -	18,217[5]	1,831	10·05	1,608	87·82
(2) Convict Prisons - - -	3,004				
Persons segregated as "weak-minded."					
Parkhurst Convict Prison		111[6]			
V. State Criminal Lunatic Asylum Broadmoor - - -		[800][7]			
VI. Inebriates in Certified Inebriate Reformatories - -	970[8]	582[8]	60·00[8]		
VII. Persons mostly under no public authority - - -	25,576,697[9]	45,488	·18	17,317	38·07
	32,527,843	149,628	·46	66,509	44·45

[1] In explanation of "needing provision" see Note 1 to the table on previous page.

[2] Less insane (excluding lunatics in county and borough asylums, registered hospitals and licensed houses). These are included in III., col. 2. *See* Pauperism, England and Wales Half-Yearly Statement, July 1st, 1905, pp. 3 and 4, cols. 4–11, and 27, cols. 16–22.

[3] Sixtieth Report of Lunacy Commission, p. 2.

[4] As in the previous table the uncertified lunatics have not been counted in here, as they represent persons already enumerated in II. or VII. It has been thought well, however, to enter them separately, and, as they are not counted in, they are placed in square brackets.

[5] Information supplied by the Prison Commission as to population in prisons on July 3rd, 1906. This was an approximate date to that on which the Medical Investigators' visits were paid to local prisons in their areas. On this information the estimated number of mentally defective persons in local prisons throughout England and Wales is based.

[6] These are mentally defective persons "weak-minded," not certified lunatics. From figures obtained from the Prison Commission, March 24th, 1908, it appeared that, at that time, the total population of the convict prisons was, 3,025, and the total number of "weak-minded" persons in Parkhurst Convict Prison was 120, and in Aylesbury Convict Prison (women) 8. In the State Criminal Lunatic Asylum at Parkhurst there were 47 inmates on 24th March, 1908. At the time referred to in Note 5 there was no State Criminal Lunatic Asylum at Parkhurst. The 47 inmates would be included in the figure for 1908 corresponding to that in III., Col. 2 (121,979)

[7] "Nearly 800." Troup, Vol. I., 1331. These are already included with certified lunatics in III. col. 2. It has been thought well to enter them separately, however. As they are not counted in, they are placed in square brackets.

[8] See Report of Inspectors under Inebriates Act, for 1905, p. 5, "Cases under detention at end of the year." The inmates classified as mentally defective (other than certified insane) equal 60% of the total number (*see* same report p. 9).

[9] This is the general population other than that included in institutions, etc., as above.

Estimated number of mentally defective persons in England and Wales—*contd.*

It is hardly necessary to restate in detail the conclusions of this table, but we may call attention to the fact that the number of mentally defective persons, inclusive of the certified lunatics, 121,979 (*see* p. 193, Table III. (1), col. 2) would equal 271,607, or ·83 of the population of England and Wales.

II. The Census Returns of the Feeble-minded.

The substitution of the word "feeble-minded" for "idiot" in the census papers of 1901.

Tatham, Vol. I., p. 268, c. 1, 4740, 4743, 4846.

571. Dr. Tatham, Superintendent of Statistics, Somerset House, submitted to us the results of the enumeration of the "insane" in the last Census (1901), and expressed the opinion that the returns were unreliable. We have, however, thought it well to submit them to analysis, and we believe that they throw some light on our problem.

In the paper of inquiries to be filled up by the householder for the census officer was entered in 1871 the question, "If deaf and dumb, or blind, or imbecile, or idiot or lunatic?" In the census for 1901 the word "feeble-minded" was substituted for the word "idiot." Before 1901 the three words "imbecile" or "idiot" or "lunatic" had been treated as equivalent to the word "insane" and the figures collected under these words had been added together and published in the census as representing the number of the "insane" so ascertained. When the word "feeble-minded" was substituted for "idiot" it was found that the return of the insane was greatly increased. The total number of the insane enumerated at the censuses in 1871, 1881, and 1891 were successively 69,019, 84,503, and 97,383; but the number in the year 1901 amounted to 132,654. The increase in the proportion of the enumerated insane to 1,000,000 of the population was 7 per cent. between 1871–1881, and fell to 3·2 per cent. between 1881 and 1891. Between 1891 and 1901, however, under the changed nomenclature the increase in the proportion to population was equal to 21·4 per cent. The introduction of the word "feeble-minded" had, it was surmised, caused the increase.

Tatham, Vol. I., p. 269, c. 1.

The Insanity Rate, in proportion to population, in Intercensal periods.

572. The figures in the following table show clearly that, while during the twenty years 1871–91 the proportion of the enumerated insane at all ages continued to increase, the increase was relatively smaller in 1881–91 than it had been in 1871–81. Between 1881 and 1891, for instance, there was a decrease at each of the age periods up to 15, 15 to 25, 25 to 45; though at the age period 45 to 65 there was an increase of 8·69 per cent., and at 65 years and upwards, when the increase was 7·65 per cent. But between 1891 and 1901 at every age there was a large increase. Thus:—

Increase or Decrease per cent., in proportion to population, of the Insanity Rate in the Intercensal Periods.

	1871–81.	1881–1891.	1891–1901.
All ages	+ 7·04	+3·23	+21·44
Under 15 years...	- 0·34	-12·39	+23·58
15–25	- 5·96	-7·36	+19·28
25–45	+ 6·47	-0·69	+10·66
45–65	+17·00	+8·69	+16·04
65 years and upwards	+15·09	+7·65	+38·43

573. The actual figures are not stated in Dr. Tatham's evidence, but he has kindly forwarded them to us, and they are printed in the table in the footnote below.* The increases in the figures for childhood (+23·58) and that for the

*Numbers of Mentally Deranged enumerated at the last four Censuses.

Ages.	1871.			1881.			1891.			1901.		
	Male.	Female.	Persons.	Male.	Female	Persons.	Male.	Female.	Persons.	Male.	Female.	Persons.
All ages - -	32,874	36,145	69,019	39,789	44,714	84,503	45,392	51,991	97,383	62,063	70,591	132,654
Under 15 -	2,728	2,052	4,780	3,232	2,265	5,497	2,975	2,201	5,176	3,767	2,864	6,631
15—25 - -	5,009	4,608	9,617	5,668	4,867	10,535	6,225	4,981	11,206	8,232	6,975	15,207
25—45 - -	12,963	13,630	26,593	15,723	16,528	32,251	17,616	18,953	36,649	23,938	24,752	48,690
45—65 - -	9,148	11,411	20,559	11,446	15,265	26,711	13,986	18,545	32,531	19,156	24,876	44,032
65 & upwards	3,026	4,444	7,470	3,720	5,789	9,509	4,510	7,311	11,821	6,970	11,124	18,094

earlier adult life, fifteen to twenty-five, namely, +19·28, are very large. Probably owing to the Elementary Education (Defective and Epileptic Children) Act, 1899, and the movement leading up to it, in the age period "under fifteen years," many returns of "feeble-minded" children have been made for the first time. The next age period, fifteen to twenty-five, is that during which many "feeble-minded" young persons and adults are in homes of various kinds from which in former censuses no such returns would have been made, for, in common estimation, the "feeble-minded" are neither "imbecile," nor "idiot," nor "insane"; and so probably, neither under that nor any other category, would most of them have been returned in any previous census. In fact, once the word "feeble-minded" had been inserted in the census paper it would have been read by most people not as a substitute for "idiot," the word which it displaced, nor as in any sense an equivalent to that word, but as a word standing for a new and different class. Hence, in regard to the large number entered as "feeble-minded," it may be said that to a large extent persons so enumerated are probably "feeble-minded" in the sense in which we have defined the words, and that the figures represent their general recognition for the first time as a distinct class of mentally defective persons.

The Insanity Rate, in proportion to population, in Intercensal periods.

574. The increase in the census "insanity" rate of the later age-periods must, we think, be interpreted differently. The increase has been persistent at every census since 1871. Thus:—

Tatham, Vol. I., p. 269.

Ages.	"Insanity" Rate per thousand living at Age Groups.				Increase or decrease per cent. of "Insanity" Rate.		
	1871	1881	1891.	1901.	1871–81.	1881–91.	1891–1901.
45–65	6·158	7·205	7·831	9·087	+17·00	+8·69	+16.04
65 upwards	6·950	8·000	8·612	11·922	+15·09	+7·65	+38·43

575. With these figures, we may compare the return of insane persons in England and Wales who were chargeable to Poor Law unions on January 1st, 1882, and subsequent years to 1906. The figures of this return stand thus:—

Insane paupers, from 1882 onwards.

Local Government Board, Annual Report, 1905–1906 . 561

NUMBER CHARGEABLE TO POOR LAW UNIONS.

Year 1882–1906.	In County or Borough Lunatic Asylums.	In Registered Hospitals or Licensed Houses.	In Workhouses and Metropolitan District Asylums.	Residing with Relatives or in Lodgings or Boarded out.	TOTAL.	Number chargeable to Counties and Boroughs.	TOTAL.
1.	2.	3.	4.	5.	6.	7.	8.
1882	40,501	1,729	16,976	6,113	65,319	1,770	67,089
1890	50,241	1,568	17,825	5,811	75,445	1,581	77,026
1903	78,352	1,145	17,104	5,519	102,120	1,585	103,705
1906	84,896	1,094	17,742	5,618	109,350	1,729	111,079

576. Here we find that in the twenty-four years, 1882 to 1906, the insane persons chargeable to the Poor Law "in County or Borough Lunatic Asylums" (col. 2) have more than doubled, while all the other classes of insane persons so chargeable have decreased, or increased but slightly. And, whatever the causes of this, the figures of the intervening years show that they have been affecting the figures steadily every year since 1882. There is hardly a question that one predominant cause in the great increase of lunatics in the county and borough lunatic asylums, is the grant of 4s. a week payable towards the maintenance of lunatics when they are maintained in asylums. This grant (*see* Chapter XL.) which is paid from the Exchequer into the account of the County and Borough Councils, facilitates the sending of lunatics to the county and borough asylums, for only on the patients being sent to the asylums is it payable to the board of guardians. However, there would appear to be another cause also. In the case of the aged, as we have seen, the workhouses are, for many reasons, cleared

Causes of increase of insane paupers.

Davy, Vol. IV., 33859. Stracey: Vol. VI., p. 302.

Causes of increase of insane paupers —*contd.*

of persons who can be certified as insane, who, being senile dements, would in previous years have been kept in the workhouse or workhouse infirmary (col. 4). The increase in these asylum cases (col. 2) represents thus, probably in a large degree, not new individuals found to be lunatic, but a transfer of persons from Poor Law administration to lunacy administration. Under the Poor Law, they were "paupers"; transferred to the asylums, they have become "pauper lunatics." There is the more reason for this state of things because the pressure on workhouse accommodation in many places is very great. Thus from a special return of persons in receipt of relief it appears that "paupers sixty-five years of age and upwards" in receipt of indoor relief, exeluding "lunatics in asylums, licensed houses and registered hospitals, and vagrants," but not "other lunatics," and "excluding also persons in receipt of relief constructively by reason of relief given to wives or children," numbered on August 2st, 1890, 54,752, and on September 1st, 1903—a sufficiently comparable date—75,214, an increase of 20,462, or 37 per cent. This indicates a pressure on the indoor accommodation of the Poor Law to the extent of that percentage—37 per cent., in spite of the removal of an increasing number of the certified insane from the workhouses. Of the effect of this removal, the above return is evidence. We may compare these figures of August, 1890, and September, 1903, with those in the above table for the same period, 1890–1903. Between 1890 and 1903 the certified insane (col. 4) in the workhouses keep at a low level—actually decreasing by 721; but the pauper lunatics in county and borough asylums (col. 2) increase by 28,111, or 56 per cent. There is thus (1) an entry of the aged into the workhouses to the number of 20,462 additional persons, being an increase of 37 per cent.; and (2) a passing of lunatics to asylums, largely from workhouses, to the extent of 28,111, being an increase of 56 per cent.

Returns Boards of Guardians (Persons in receipt of relief) 28 March, 1904, p. v. 113, H. of C.

577. Accordingly we may say that to a great extent the increase in pauper lunatics in asylums is the outcome of the increase of the aged paupers in workhouses. The accommodation required for the latter has had to be provided at the expense of the former; and under this pressure the Poor Law, for all practical purposes, is being deprived of its lunacy work. It maintains comparatively few certified lunatics in its institutions. For most of them it is simply the agent for paying for their maintenance. In fact, these figures show that a change, such as that which we suggest, is already taking place. We propose that there should be a central body who should assume the protection and supervision of all mentally defective persons. Already to the only central body that is now in existence and is able to deal with the mentally defective, and to institutions which are under its supervision—namely, to the Lunacy Commission, and the asylums which it inspects—each year a larger and larger number of mentally defective persons are passed on by the Poor Law authorities.

578. We have thus a double process in operation. There is a large increase in the number of children and young persons who are returned as "feeble-minded"—for "feeble-minded" children and young persons are now being recognised as "feeble-minded"—and there is a large increase in the number of aged persons who are certified as lunatics, but who are rather, as we should define them, "mentally infirm" and who as "lunatics" or persons of "unsound mind" are removed from the workhouses and come under the supervision of the present Lunacy Commission.

Uncertified mentally defective persons.

579. On a third point, there is also evidence. The census has always revealed that there are many "imbecile" or "idiot" or "lunatic" persons who are not certified and placed under the charge of the Lunacy Commission, but whom the householders who fill up Census papers enter under one or other of those terms. Thus, by the Census of 1901 there were 132,654 "insane" returned, that is, insane including imbecile and feeble-minded. Of these the sub-division is as follows:—

Tatham, Vol I., 270

Where enumerated.	Number of "Insane." Census of 1891.	Census of 1901.	Increase or decrease per cent.
TOTAL - -	97,383	132,654	+36·2
Public Lunatic Asylums -	64,881	86,797	+33·8
Private Lunatic Asylums -	4,595	3,689	−19·7
Workhouses - - -	10,592	14,972	+41·4
Elsewhere - - - -	17,315	27,196	+57·1

580. The large increase in the first entry consists of persons certified as lunatic or idiot under the Lunacy Act of 1890 and the Idiots Act of 1888. It contains very few "feeble-minded" or none: at least, it is probable that, the methods and conditions of admission to the asylums remaining the same, the same classes of persons have been admitted to them. But the figures suggest that in the workhouses a larger number of non-certified or certifiable inmates have been recognised as such—apart from the certified who are either in the asylums, as we have seen, or who, being certified as suitable under the Lunacy Act of 1890, Sec. 26, for detention in the workhouse, there remain. And this number of new uncertified persons would appear to amount to about 3,583. For the number of the certified lunatics in workhouses on January 1st, 1901, was 11,389; and the number of persons returned very shortly afterwards at the census of 1901 as "insane" (*i.e.*, "imbecile" or "feeble-minded" or "lunatic") resident in workhouses was 14,972; and the difference between the two (14,972–11,389) must represent new persons, mentally defective in some way, and uncertified.

Uncertified mentally defective persons—*contd.*

Tatham, Vol. I., p. 270.

Further, under the entry "elsewhere" that is, elsewhere than in public or private asylums or workhouses, were 17,315 "insane" numerated by the census in 1891 and 27,196 by the census in 1901. Hence, apart from 3,583, the new uncertified mentally defective persons, there is a further increase of 9.861 (27,176–17,315) persons returned as belonging to one or other of these classes by the householders who knew them.

Lastly, we may say that the total number of the mentally defective persons recognised as such by the masters of workhouses and by householders at the census, but not certified (or to a very small extent certified) as private patients in private homes possibly amounts to (3,583 + 27,196) 30,779.

Tatham, Vol. I. Table I., p. 270.

581. There is one other factor for consideration. As we have seen, there is at all asylums, and even in homes, an accumulation of cases. In the voluntary homes the inmates received with a view to training stay on, because apart from the Poor Law institutions there is no place to which they can be sent. It is the same at the asylums for the insane. If they do not recover they must remain, and under the healthy and quiet conditions of life which they there enjoy it is said that they live longer than they would outside. There is thus, apart from all other elements in the question, one cause for apparent increase in the numbers. Protection leads to longer life, and this, from the point of view of the provision of accommodation, represents an added difficulty. Not only is there the recognition of a larger number of mentally defective persons as such, and the transmission of more patients from workhouses to county and borough asylums, and more pressure on workhouse accommodation, but there is also the fact that the larger the number of the mentally defective who have to be dealt with, the greater the stagnation, if one may so call it, unless the asylums in their turn extend, or some arrangements are made for providing, otherwise than in asylums and hospitals for those, or many of those, who do not require active treatment and control.

Accumulation of mentally defective persons in institutions.

582. On the question of the utility of entering the word "feeble-minded" in the Schedule of the census, we are in agreement with Dr. Tatham, the Superintendent of Statistics, Somerset House. We do not think that the word can be understood with any precision by those who have to fill up the paper, and we think that like the word "imbecile," which is also entered on the present schedule, used vaguely it can only lead to confusion. Whether it is of any service to include even the word "lunatic" is doubtful.

Confusion caused by designation "feeble-minded" in Census, 1901.

583. We conclude that the general effect of the census figures submitted to us by Dr. Tatham, the returns of the Lunacy Commission, and the return of insane persons chargeable to the Poor Law, is to show—

(1) That under the title "feeble-mindedness" at the last census a large number of mentally defective persons were probably for the first time recognised and returned.

(2) That the number so returned is conspicuous in the earlier age periods of life, "up to fifteen" and "from fifteen to twenty-five," and in each of these age periods between the census of 1891 and 1901, the increase amounts to 1,455 and 4,001.

Conclusions as to Census returns.

Conclusions as to Census Returns —*contd.*

(3) That probably under the title "feeble-minded" at the later age periods "forty-five to sixty-five," and "sixty-five and upwards" were also returned in increasing number senile dements or mentally infirm people.*

(4) That these people represent to a large extent persons dependent on the Poor Law who have been transferred to the supervision of the asylum authorities, rather than persons who have become "feeble-minded" and have for the first time been a charge on the country.

(5) That owing to the 4s. grant and the desire, especially in recent years, to remove the "mentally infirm" from the workhouses, there has been gradually at work a division of labour between the Poor Law —dealing with destitution, and the Lunacy Commission dealing with the mentally defective.

(6) That, if we compare the Census of 1901 with that of 1891, we find that in the workhouses a large number of persons, not certified as lunatics under the Lunacy Act of 1890, are recognised as "imbecile" or "feeble-minded," or, probably in very small proportion, "lunatic," and that the number thus recognised at the time of the last Census probably amounted to some 3,500 to 3,600 persons.

Tatham, Vol. I., Table I., page 270.

(7) That generally in the population the census shows that in the last decade, outside asylums and workhouses, some 9,000 to 10,000 more persons have become, or more probably have been recognised as being, "feeble-minded" or "imbecile," or, probably in very small proportion, "lunatic."

Unsuitability of Census as agency for ascertainment of facts *re* mental defect.

584. For our own part we desire to have the word "lunatic" withdrawn from administrative and scientific usage, and to substitute for it the words "of unsound mind." But, however that be, the census, it appears to us, is not an agency suitable for the ascertainment and classification of facts the nature of which in very many instances can only be learned by the personal observation of men and women whose judgment has been trained and well practised in a special branch of medical work. Both for administrative and scientific purposes it would be better, we think, to ascertain the facts by special investigation such as that which has been made by our medical investigators, or by means of the cumulative records which we hope may be compiled as confidential documents, as soon as the importance of the subject is recognised. In this view we have made recommendations for the registration of cases of mental defect, for their notification under certain limits, and for an inquiry as to the number of these cases on behalf of the committees for the care of the mentally defective in their areas.

Recommendations XI., LV.–LXIII.

III. The Natality and Mortality of Mentally Defective Persons.

Eichholz, Vol. I., 3885, 3890. Mercier, Vol. I., p. 364. Tredgold, Vol. I., p. 399, c. 1, 7313, 7491. Gill, Vol. VI., p. 286.

585. It appears to be generally asserted that the number of children born to mentally defective parents is abnormally high. Many witnesses have quoted instances of very large families the offspring of mentally defective mothers. But, with one or two exceptions, sifted and precise statements on the subject are wanting. With this question of birth rate, that of the age of feeble-minded men and women who are in workhouses and are able to go in and out at will is closely connected.

586. It is, we feel, a matter of serious regret that more scientific evidence on the birth and death rates of the mentally defective is not forthcoming. A greater scientific interest in the study of insanity and mental defect generally would, we think, have produced a far larger mass of evidence which would have been of the utmost value. We hope that in the future much closer attention will be paid by superintendents of institutions and others who have very considerable material at their disposal, to investigate questions of this kind, and we recommend that it shall be the duty of the Board of Control to encourage, direct and supervise such investigations, and, in their Annual Reports, to comment on the results obtained.

Recommendation XXIII.

* The increase amounted to 11,501 at the age "45 to 65," and 6,273 at the age 65 and upwards.

587. Dr. Tredgold submitted to us a table "showing the condition of 150 aments with their brothers and sisters." This we reprint. Tredgold, Vol. I., p. 399, c. 1. 7493.

TABLE SHOWING THE CONDITION OF 150 AMENTS WITH THEIR BROTHERS AND SISTERS.

In the 150 Families there were 1,269 children born.

Unsatisfactory.			Satisfactory.	
A.	Born dead - - - -	170		
B.	Since died - - - -			
	Under 1 year - - -	138		
	„ 3 „ - - -	107		
	„ 10 „ - - -	37	315	Said by parents to be mentally and bodily healthy - 456
	„ 20 „ - - -	8		
	Over 20 „ - - -	25		
C.	Mentally affected - - -	245		
D.	Diseased, paupers, or criminals -	83		
	Total - - - -	813	Total - -	456

Total, 1,269

588. Dr. Tredgold pointed out that:—"The average number of children born in a family is four, whereas in these degenerate families we find an average of 7·3 to each, and if the still-born children are included, the disproportion is even more striking, as the average number of children born in each family is brought up to 8·4," and he added:—"Out of this total only a little more than *one-third*—'456 out of a total of 1,269 children'—can be considered profitable members of the community, and this, be it remembered, at the parents' valuation." Birth rate and survival of mentally defective persons.

A third point is the number of mentally defective children who survived. Dr. Tredgold states:—"Out of the total number of 526 mentally affected persons in the 150 families, there are 245 in the present generation"—a large survival. Tredgold, Vol. I., p. 399, c. 1.

589. A further reference suggests the same conclusion. Dr. Eichholz had pointed out that in sixteen "picked families about 60 per cent. of the total children died while young. Out of 173 children born within these physically degenerate families 101 died young—over 58 per cent." And he argued that on these terms the degenerate families will die out. But, as Dr. Mercier showed, the 173 children in sixteen families made an average of nearly eleven children to a family—"a number far in excess of the normal." Hence in spite of the large mortality there remained to each family an average of four and a half children, "an average still in excess of the normal average." Birth and survival among physically degenerate families. Eichholz, Vol. I., 3890. Mercier, Vol. I., p. 364, c. 1.

Dr. Potts noted at Stoke-upon-Trent that of the feeble-minded women in the workhouse, sixteen had together produced 116 children; in one family of fourteen only four had been able to work. Vol. VI., p. 95.

These figures and statements cannot, of course, be taken as a sufficient basis for generalisation, but, so far as they go, they support the opinion that during the years of procreation and child-bearing, there should be control or supervision in the case of mentally defective men and women.

590. Dr. Francis Warner touched on a kindred question. He said:—

> "I should like to point out the connection between infant mortality and feeble-mindedness. Many congenitally defective children die in the first twelve months. That probably is why infant mortality is so heavy upon the males; it is the male children that are so largely found with defective brains, and a large proportion of them die in infancy. Those who survive become those whom we are considering in social life." Warner, Vol. II. 11115.

Survival of mentally defective males and number in mid-life as compared with females.

But it is to be noted that in spite of this large mortality among male children, the males at the earlier ages outnumber the females. Thus, in the combined areas of investigation the mentally defective males in public elementary schools numbered 2,013, the females only 1,424. Later in life, taking the inmates of the workhouse and the recipients of outdoor relief together, the proportions change: the males number 1,782, the females 2,079. From this, therefore, it would seem that the conditions of the mentally defective life are similar to those of the normal life on this point. More males are born than females, but fewer survive to a late period of life.

Vol. VI., p. 59, col. 15 and 16; and p. 61, col. 14 p. 63, col. 14.

Birth rate amongst mentally defective "paupers."

Tredgold, Vol. VI., p. 235.

591. On the birth rate of the mentally defective, and on the ages of those who are in workhouses and able to go in and out, the reports of the medical investigators throw light. Referring to cases which he noted during his investigation in Somersetshire Dr. Tredgold submitted to us a table respecting the propagation of children by women who are actually feeble-minded. The groups in the table refer, B. to the inmates of the workhouses; C. to those in receipt of outdoor relief; F. to persons relieved by medical charities; G. to persons in miscellaneous institutions, such as charitable institutions, common lodging-houses, training homes, etc.; H. to persons known to "other sources." The table is as follows:—

Group.	Total Number of Feeble-minded Women in Group.	Number of these women who have borne Children.	
		Legitimate.	Illegitimate.
B	44	—	17
C	39	6	3
F	16	—	2
G	6	—	3
H	60	13	17
	165	19	42
		61	

This table carries with it the following comment:—

"The nineteen mothers have had in all eighty children. Of these sixteen died in infancy, nineteen are imbecile or feeble-minded and are included in my returns, twenty are either physically delicate to a pronounced degree or are mentally dull and backward, and eight are too young to make a satisfactory examination. There are only seventeen out of the total eighty who to all appearances come up to the average standard of mental and bodily health.

"With regard to the *illegitimate children.* The forty-two mothers have given birth to seventy-eight children. Of these twenty-four died in infancy, five are imbecile or feeble-minded and included in my returns, two are decidedly dull and backward, two appear to be normal, and of the remaining forty-five no information can be obtained. I think, however, that although details are lacking of such a large number one may justifiably conclude that children of feeble-minded women born *out* of wedlock are not likely to possess any advantages over those born of married women. Further comment upon this question is needless."

Ages of mentally defective in workhouses.

Melland, Vol. VI., p. 151.
Cf. also,
Potts, Vol. VI., pp. 94, 122.
Tredgold, Vol. VI., p. 221.
Pearce, Vol. VI., p. 257.
Gill, Vol. VI., pp. 278, 279.
Stracey, Vol. VI., p. 303.
Graham, Vol. VI., p. 460.

592. In regard to the ages of mentally defective persons in workhouses, it will suffice to quote two instances.

At the workhouses for Manchester, Chorlton and Prestwich there were 105 feeble-minded males. Of these—

Eighteen were below twenty years of age.—Of these, five suffered also from epilepsy, three were paralysed, and four others were physically crippled. One was a boy of eighteen "who is still at school."

"*Twenty-six were between twenty and thirty years.*—This is a common age for the feeble-minded to drift into the workhouse."

Nineteen were between the ages of thirty and forty.—Several of these had already been in the workhouse a number of years.

Eleven were between forty and fifty.

Twenty were between the age of fifty and sixty.—Several of these had been in the workhouse for long periods. One, a man of fifty-two, described himself as having been in and out of the workhouse for forty years, and another of the same age had been in the house many years, he could not say how long.

Eleven were over sixty.

Melland, Vol. VI., p. 151.

There were 167 feeble-minded women. Of these:—

Sixteen were below the age of twenty.—Several had been obliged to come into the workhouse owing to the severity of the mental weakness, or owing to its complication with other defects, such as epilepsy or paralysis. In four cases—two were seen in the maternity ward, another in the Lock Ward, and another had recently had an illegitimate child. One girl of nineteen was still at school.

Fifty-eight were between the ages of twenty and thirty. Of these sixteen were seen in the maternity wards, all, with one exception, being unmarried, whilst in addition nine others had had illegitimate children—some two and some three. As amongst the men, but to an even greater degree, this is the commonest decade for feeble-minded women to find their way to the workhouse. Ages of mentally defective persons in workhouses—*contd.* Melland, Vol. VI., p. 152.

Thirty-eight were between the ages of thirty and forty. Of these one was seen in the maternity ward, but unlike the other cases there was a married woman. One case between these ages I came upon in the lock ward. Three others had had illegitimate children, though they were not in the lying-in ward when I saw them.

Twenty-seven were between the ages of forty and fifty.

Twenty-one were between the ages of fifty and sixty. One of fifty-four had been born in the workhouse and had lived in it all her life. From several others I got a very common history of their only having been in the workhouse a short time, having been cared for at home until, on the death of their parents, they had been left to look after themselves. For this they were absolutely unfitted, and so they had been forced to come into the workhouse.

Seven were sixty and upwards, the oldest being seventy-four.

Maternity Cases.—"Over the three months that I had them under observation saw ninety-four women in the lying-in wards at the three workhouse infirmaries. Of these, I found nineteen to be feeble-minded; in all but two cases the children were illegitimate, and in one of these a few questions brought to light the fact that she had had an illegitimate child four years before she was married. Of the remaining seventeen, two were below the age of twenty, and eight more were below the age of twenty-five, and of the other seven, whose ages lay between twenty-five and twenty-nine, four had had several children, the first one in each case before they had reached the age of twenty-five." Melland, Vol. VI., p. 152.

593. Dr. Stracey's report supplies these notes on the Lincolnshire unions. The total feeble-minded in the workhouses is 39 (fourteen males and twenty-five females). "Three of the feeble-minded women have become insane, and confined in an asylum, two were very troublesome and violent at times, and four had given birth to illegitimate children. Two males and seven females were subject to epileptic fits." Stracey, Vol. VI., p. 303.

"Classifying the cases according to age:—

Below 20 years	2
From 20–30 years	5
„ 30–40 „	5
„ 40–50 „	13
„ 50–60 „	7
„ 60–70 „	3
Over 70 years	4
Total	39

It will be seen from the above table that the largest number of cases are between the ages of forty to fifty. It is worth noticing that Dr. Tredgold, in Somersetshire, also found the largest number between the same ages." Cf. Tredgold, Vol. VI., p. 222.

594. Judging from this evidence, in the towns it would seem that a large number of feeble-minded men and women drift into the workhouse before they are thirty: for Dr. Potts' evidence as to Stoke-on-Trent supports Dr. Melland's as to Manchester. "Considerably more than half the feeble-minded women enter the workhouse," he says, "before they are forty-five, and 33 per cent. drift in before they are thirty. In the country the larger number enter between the ages of forty and fifty." Potts, Vol. VI, p. 95. Melland, Vol. VI., pp. 151–152.

CHAPTER XXX.

Conclusions and Recommendations.

595. Our general conclusions are that in dealing with the classes "idiot," "imbecile" and "feeble-minded" and with the moral imbecile, we are dealing with conditions chiefly inherited, and subject, therefore, to amelioration only to the extent to which the mental and physical force available in the individual approaches to the normal. But this conclusion does not preclude a considerable advance in knowledge and self-command among the higher grades of the defective—so far at least that they may be trained so as to contribute materially to their self-support.

Conclusions and Recommendations—*contd.*
Recommendation IV.

596. For the better identification and treatment of different types and degrees of mental defect we have suggested definitions, the adoption of which should lead, we think, to the removal of prejudice in the use of words bearing on the condition of these classes and should promote uniform and consistent certification.

Recommendations I. and XXVIII.

597. We have found that, however it be dealt with, the problem of the care and control of the mentally defective assumes a new aspect and larger proportions as it is more accurately and completely studied. It affects very largely education, Poor Law, and prison administration, and the treatment of it by one authority would greatly reduce the charges and simplify the obligations of other authorities dealing with these branches of public work. The extent to which this would affect them has been stated by us numerically, as far as our *data* permit. All told it would seem that the purview of a central body for the care and control of the mentally defective would extend to 271,607 persons, or about ·83 of the population.

Para. 570.

Recommendations LV.-LVIII.

598. For the ascertainment of cases of mental defect and for their record and notification, we have made definite recommendations. By the means which we have there suggested we think that sufficient and trustworthy statistical data will in future be available. We do not think that, except as a kind of recount of persons certified as being of unsound mind in various establishments and places of abode, the census can serve the purpose of ascertaining with any accuracy the number or classes of mentally defective persons.

599. Lastly, we have called attention to two statistical questions which add to the gravity of the subject with which we have to deal. Evidence has been submitted to us to the effect that probably, in the case of the feeble-minded, there is a larger birth rate than the normal, combined with a death rate, which, though large, allows of a considerable survival of mentally defective persons.

PART VII.

MENTALLY DEFECTIVE PERSONS AND THE LUNACY COMMISSION.

CHAPTER XXXI.

I.—Constitution and Procedure of the Lunacy Commission of England and Wales and the General Board of Lunacy in Scotland.

600. The reference to the Commission as extended by the Royal Warrant of the 2nd November, 1906, imposes upon us the duty of enquiring into the constitution, jurisdiction and working of the Lunacy Commissioners and of other lunacy authorities in England and Wales, and into the expediency of amending the same or adopting some other system of supervising the care of lunatics and mental defectives and to report as to any desirable amendment of the law.

601. The earliest statute—the Statute of Prerogatives (17 Edw. II cs. 9 and 10)—defines two classes of mental defectives, the "fatuus naturalis" or born fool, and the "non compos mentis, sicut quidam sunt per lucida intervalla" or person unsound in mind with certain intervals of understanding, a distinction which, broadly speaking, holds good still. "In cases of idiocy the property of the idiot or 'fool natural' vested in the Crown, subject to a provision for the maintenance of the patient and of his establishment, during the life of the person so affected, because no possibility of recovery was to be presumed. The property, on the other hand, of the lunatic not so born, vested in the Sovereign during the continuance only of the lunacy, and without profit to the Crown, upon the administration of the trust." The statute was declared by Coke to be declaratory of the Common Law. Since the abolition in 1660 of the Court of Wards and Liveries the Crown has, by sign manual, delegated its powers and authority to some high officer or officers of Justice or State. The practice has been to entrust the Lord Chancellor with the exercise of the Royal prerogative in respect of the case of the persons and property of lunatics. Neither the forms, nor the expense of the proceedings which they necessitated, were suitable for "unpropertied" persons, and these, if they were idiot or of unsound mind, were left to the care of their friends and relatives, or to a very small extent provided for by the religious charities. As, in the sixteenth century and later, poorhouses came to be built, they were to be found there, and in the common gaols, maintained as destitute or as dangerous. With the change of sentiment in the eighteenth century, they were first dealt with specifically on the ground of their being a danger to the community, and the police and the Poor Law authorities of the parish were required to apprehend and confine them on the authority of the Justices of the Peace.

The development of lunacy control in England and Wales.

The law and practice of lunacy. J. W. Abraham, 1886, pp. 7 and 8.

602. Mr. Trevor, then Secretary to the Commissioners in Lunacy, states:—

> "The first Act which deals expressly with pauper lunatics is 17 Geo. II., c. 5, which is really a Vagrants' Act. Section 20 ('Lunatics—how to be disposed of'), after reciting that 'there are sometimes persons who by lunacy or otherwise are furiously mad, or are so far disordered in their senses that they may be dangerous to be permitted to go abroad . . .' provides that 'it shall be lawful for any two or more justices of the peace, where such lunatic or mad person shall be found, by warrant under their hands and seals directed to the constables, churchwardens, overseers of the poor of the parish, town or place, or some of them to cause such person to be apprehended and kept safely locked up in some secure place . . . and, if such justices find it necessary, to be there chained.'
>
> "The section further provided that the goods and estates of lunatics should be seized to pay the charge of their maintenance."

Trevor, Vol. IV., p. 1, c. 1. 1743 A.D.

603. During the eighteenth century, a certain number of private asylums appear to have come into existence, in which patients were received for whose maintenance some payment could be made. But neither these private asylums, nor the penitentiaries and other places in which pauper lunatics were detained, were under official inspection or regulation.

604. In 1774, a step in this direction was taken. In that year a statute, 14 Geo. III., c. 49, entitled "An Act for regulating madhouses," was passed, the preamble of which states:— 1774 A.D.

> "That many great and dangerous abuses frequently arise from the present state of houses kept for the custody of lunatics for want of regulations with respect to the persons keeping such houses, the admission of patients into them, and the visitation . . .

Trevor, Vol. IV., p. 2, c. 1.

The development of lunacy control in England and Wales—*contd.*

by proper persons of the said houses and patients, and that the law as it now stands is insufficient for preventing or discovering such abuses."

"The statute provided that from and after November 20th, 1774, any person who concealed more than one lunatic without a licence should forfeit a sum of £500 (Section I). "Section 2 provided that in order that proper persons should be appointed for visiting such houses as should be licensed and kept for the reception of lunatics within the cities of London and Westminster, and within seven miles of the same, and within the county of Middlesex, the Royal College of Physicians in London may elect five Fellows to act as Commissioners for granting licences, to visit and inspect licensed houses and to examine the persons confined as lunatics therein (Section 14), such visits to be without notice to the keeper of the house (Section 5). "Outside the Metropolitan area similar powers were conferred on the justices of the peace at quarter sessions.

"This Act, which was to remain in force for five years, was continued for seven years by 19 Geo. III., c. 15, and made perpetual by 26 Geo. III., c. 91."

1808 A.D. Trevor, Vol. IV., p. 1, c. 2.

605. The next Act marks a still further advance. It had become recognised that lunatics should not be confined in gaols, houses of correction, poorhouses and houses of industry, but should be provided for in special institutions and in asylums. The statute 48 Geo. III., c. 96 (1808)—Mr. Wynne's Act—which was the outcome of the Report of a Select Committee appointed in 1807 to inquire into the state of lunatics, repealed 17 Geo. II., c. 5, s. 20, and, after reciting that the practice of confining such lunatics and other insane persons as are chargeable to their respective parishes in gaols, houses of correction, poorhouses and houses of industry, was highly dangerous and inconvenient, enabled justices in quarter sessions to provide for the erection of lunatic asylums, and to unite with other counties for the purpose, and conferred on them powers to contract, to appoint visiting committees, and to mortgage the rates for the expenses incurred. This statute was permissive, not compulsory.

1828 A.D. Trevor, Vol. IV., p. 2, c. 1.

606. In 1828, two changes of importance were made. The business of lunacy, on the side of administrative control, was brought under the oversight of the Home Secretary. This change was made by the Statute, 9 Geo. IV., c. 41, which was entitled "An Act to regulate the care and treatment of insane persons in England." It recited that the laws then existing for regulating houses for the reception of insane persons were ineffectual, and that it was expedient that some other provision should be made for licensing and regulating such houses, and for improving the treatment of insane persons, and it proceeded to repeal the previous Acts, and substituted further and better provisions in their place. Next, Section 2 provided for the appointment by the Secretary of State for the Home Department of fifteen Commissioners within the cities of London and Westminster, and seven miles thereof, and the county of Middlesex, for licensing and visiting all houses within that district for the reception of two or more insane persons. Of these Commissioners, who were appointed for a year, five at least were to be physicians and were entitled to charge for their services at the rate of £1 an hour; the rest were unpaid. In all other parts of England, similar powers were conferred on the justices of the peace assembled in quarter sessions within their own jurisdiction. Of the visitors appointed by the justices, three or more were to be justices themselves, and one or more, a physician, a surgeon, or an apothecary. The Commissioners appointed under this Act styled themselves "Metropolitan Commissioners in Lunacy." The Act was amended in certain particulars by 10 Geo. IV., c. 18.

1832 A.D. Trevor, Vol. IV., p. 2, c. 1.

607. Finally, the appointment of the Metropolitan Commissioners was transferred from the Home Office to the Lord Chancellor, and barristers as well as physicians were appointed members.

"In 1832 was passed the Statute 2 and 3 William IV., c. 107, to regulate for the period of three years the care and treatment of the insane."

"Under this Act the Commissioners were called 'The Metropolitan Commissioners in Lunacy.' Their appointment was placed in the hands of the Lord Chancellor; not less than four nor more than five were to be physicians and two were to be barristers. All the Commissioners were allowed their travelling expenses, but only the physicians were to be paid for their services."

Hansard 3rd Series, Vol. VI., p. 448; Vol. VII., p. 6 3, 877.

The transfer of the appointment of the Commissioners from the Home Secretary to the Lord Chancellor appears to have been carried out by the Lord Chancellor of the day for reasons which do not sufficiently appear in the Parliamentary reports. It was resisted in the House of Commons when the Bill was first introduced, but passed *sub silentio* shortly afterwards.

608. In 1842, the powers of visitation of the Metropolitan Commissioners were, by the 5 and 6 Vict. c. 87, extended to asylums and licensed houses in the whole country, but the management of asylums and the licensing of houses remained with the justices. The development of lunacy control in England and Wales.—*contd.*

1842 A.D. Trevor, Vol. IV., p. 2, c. 1.

> "The temporary Statute 2 and 3, William IV., c. 107 (1832), was from time to time amended and continued up to 1842, when, by the Statute 5 and 6 Vict., c. 87, the powers of visitation possessed by the Metropolitan Commissioners in Lunacy were extended to asylums and licensed houses all over England and Wales.
> "By Section 2 provision was made for the addition as Commissioners of two more physicians or surgeons and two more barristers, and by Sections 40–41 in addition to their travelling expenses medical and legal Commissioners alike were to be allowed and paid £1 an hour while visiting in the Metropolitan district and five guineas a day while engaged in visiting in the country. By Section 30 the duty was imposed on the Commissioners of visiting county asylums, and, by Section 31, of reporting in writing whether the provisions of the law had been carried out as to the construction of every such asylum and as to its visitation and management, the regularity of the admissions and liberations of patients therein and therefrom. They were also to report on such other matters as (*a*) any system of non-coercion practised; (*b*) classification of patients; (*c*) indoor and outdoor amusements and occupations and their effect; (*d*) the condition of pauper patients when received into the asylum, and dietary; and (*e*) generally. They were also required to visit and report on the military and naval hospitals."

609. In the year 1844, the Metropolitan Commissioners presented a Report to the Lord Chancellor on the various matters entrusted to their care. At the commencement of the Report, the Commissioners stated that, as their duties had been materially increased by the provisions of 5 and 6 Vict. c. 87 (already referred to), which had enabled them to inspect the condition of the various public and private asylums throughout England and Wales beyond, as well as within, the Metropolitan area, they thought it right to report to the Lord Chancellor the result of their experience in a more minute and specific way than they had heretofore been accustomed to do; and they issued a very valuable document, the source of many suggestions which were incorporated in subsequent statutes. Report of Metropolitan Commissioners in Lunacy, 1844. Trevor, Vol. IV., p. 2, c. 2.

This Report led up to the legislation of the year 1845, which was due to the initiative and energy of the late Earl of Shaftesbury, then Lord Ashley. In that year were passed, two Acts of Parliament, the one 8 and 9 Vict., c. 100, to regulate the care and treatment of lunatics, by, amongst other measures, the establishment of the present Lunacy Commission; and the other, 8 and 9 Vict., c. 126, to make provision for the establishment of lunatic asylums in counties and boroughs, and for the maintenance and care of pauper lunatics in them.

II.—Present Constitution and Work of the Lunacy Commission in England and Wales.

610. The Lunacy Commission, as then and at present constituted, consists of six paid Commissioners, three of whom must be medical practitioners, not necessarily physicians, and three practising barristers of not less than five years' standing. In addition, there may be five unpaid Commissioners not requiring professional qualification, legal or medical. Of the latter class, there are at present only two. There is a permanent chairman of the Commission, who is to be selected by the Commissioners from the unpaid class. In his absence, a chairman for the particular meeting is chosen by the Commissioners present. We are informed that, in fact, the permanent chairman, by reason of other calls upon his time, rarely attends the meetings of the Commissioners, and it has been suggested that, in consequence, continuity of practice is less likely to obtain than if the regular attendance of the permanent chairman could be secured. Constitution of Lunacy Commission. Lunacy Act, 1890, Sec. 153 (2). Dorington, Vol. IV., 25416–25419, 25401–25404, 25457–25458, 25466–25469. Trevor, Vol. IV., 25083, 25077–25078 Cooke, Vol. IV., 25777–25778. Giffard, Vol. IV., 27125, 27144, 27291–27294.

611. The salaries of the paid Commissioners, and the expenses of the Commission to the amount sanctioned by the Treasury, are paid out of moneys provided by Parliament. A paid Commissioner receives £1,500 a year and travelling allowances. He may not accept, or hold, or carry on any other office or situation or any profession or employment from which any profit is derived. The appointment is made by the Lord Chancellor, and is held during good behaviour. There is no compulsory retirement at the age of sixty-five. The Commissioners are only civil servants for the purpose of pension. A person is not qualified for appointment as Commissioner, secretary, or clerk of the Commissioners if he is, or within one year previous to his appointment has been, interested in a licensed house. Lunacy Act, 1890 Sec. 150 (2). Lunacy Act, 1890, Sec. 150 (3). Trevor, Vol. IV., 25271.

The secretary must be a barrister of not less than seven years' standing. He is appointed by the Commissioners with the approval of the Lord Chancellor. Trevor, Vol. IV., p. 7, c. 2.

Constitution of Lunacy Commission—*contd.* Trevor, Vol. IV., p. 8, c. 1. 25284. Cooke, Vol. IV., 25792. Trevor, Vol. IV., 25382.

His salary is fixed by the Treasury, with the concurrence of the Lord Chancellor. The present amount is £800 a year, rising by annual increments of £50 to £1,000. He is removable from office by the Lord Chancellor on the application of the Commissioners. The clerical staff is appointed, in the same way as in any other Government office, by negotiation with the Treasury. At present, the staff consists of fourteen clerks of various grades, two shorthand writers and one abstractor.

The total cost of the Commission, as appearing from the Appropriation Account for 1904-5, was £14,752 9s. 4d.*

Visitation. Trevor, Vol. IV., p. 6.

612. In 1845, when the Lunacy Commission was established and its paid members were, as now, six in number, they had to visit about 25,000 lunatics. On January 1st, 1906, the number of lunatics to be visited had risen to 116,361.* Modern methods of locomotion have made possible what would have been impracticable in 1845.

60th Report of the Commissioners in Lunacy 1906 p. 2.

These lunatics are detained in :—(*a*) County and borough asylums ; (*b*) Registered hospitals receiving lunatics ; (*c*) Idiot asylums ; (*d*) Metropolitan and provincial licensed houses ; (*e*) State institutions, viz. : Broadmoor State Criminal Asylum, Parkhurst State Criminal Asylum,† the Royal Military Hospital, Netley, and the Royal Naval Hospital, Great Yarmouth ; (*f*) Workhouses in which there are any lunatics or imbeciles. There are, also, many single patients in houses scattered over the country.

613. From information received from the Lunacy Commissioners, it appeared that in December, 1907, there were seventy-one county and district asylums ; twenty-three county borough asylums (including the City of London) ; fourteen hospitals ; eight hospitals and institutions registered under the Idiots Act, 1886 ; two naval and military hospitals ; two criminal asylums ; twenty-two metropolitan licensed houses (one being also registered under the Idiots Act, 1886) ; forty-four provincial licensed houses.

All the county and borough asylums, the State Institutions and idiot asylums, are visited once a year. Many of the asylums are of great size, containing from

Trevor, Vol. IV. p, 6, c. 1.

1,800 to 2,700 patients, and involve from two to three days' visitation, every patient being seen and afforded full opportunity of speech and complaint, of which many avail themselves.

The hospitals and provincial licensed houses not licensed by the Commissioners are visited by them twice a year, the metropolitan licensed houses always six, and generally eight times a year, and, at each statutory visit to all these institutions, the Commissioners see every patient and carefully satisfy themselves that detention is justifiable and necessary, and that the treatment is such as to promote comfort and recovery.

The single patients are invariably visited once, and frequently twice, in every year. The Commissioners, also, annually visit the five asylums of the Metropolitan Asylums Board, and one-third at least of all the workhouses in which there are any lunatics or imbeciles. The workhouses thus visited annually average about 250 and the inmates seen about 14,000.

The visits to all classes of institutions, except workhouses, are prescribed by statute to be paid by two Commissioners, one of them with medical and the other with legal qualification.

Trevor, Vol. IV., p. 6, c. 2.

614. For the purpose of visitation, England and Wales are divided up into six circuits. Each circuit is allocated to a pair of Commissioners. Every Commissioner goes on two circuits in each half year, so that he visits every institution in England and Wales in the course of three years. Single patients outside the metropolitan area are visited by one or other of the Commissioners of the circuit in which such patients reside. The metropolitan houses, and single patients in the metropolitan district, are visited by the Commissioners in turn. Every visit involves a report by the visitor or an entry in the books of the place visited. These reports and entries are brought before the board for consideration.

Work in Office. Trevor, Vol. IV., p. 6, c. 2.

615. Whenever a patient is admitted to an institution for lunatics, or as a single patient, copies of the reception order, medical certificates, medical statements, etc., are sent to the office of the Lunacy Commission for examination, with the object of seeing whether they justify the detention of the patient and whether, if they are defective in form, they are capable of amendment under Section 34 of the Lunacy Act, 1890, all of them being examined by the Commissioners personally. The Commissioners, also, see and examine personally the reports on the condition of private patients sent at the end of a month after

* From information supplied by the Lunacy Commission it appears that on January 1st, 1908, there were 120,551 patients to be visited. The cost of the Commission 1906-1907 was (net) £15,618 8s. 11d. (Appropriation Accounts.)

† This has been established since January 1st, 1906.

admission) Section 39, Lunacy Act, 1890), and any further reports in regard to any patients for which they think it necessary to call, whether as the result of a visit or otherwise. Work in Office—*contd.* Trevor, Vol. IV., p. 6, c. 2.

A new class of reports and certificates was introduced by Section 38 of the Lunacy Act, 1890, which are sent in at the end of the first and second years after the admission of every patient, and afterwards at longer intervals, while he remains under detention. All these are examined by the Commissioners personally.

Notice of the death of every certified patient and of every serious casualty is given to the Commissioners. The medical Commissioner on duty takes charge of these matters, calling for any information he may require, reports of medical officers, case-book entries, post-mortem notes, statements of witnesses, coroner's depositions, etc., and himself drafting any letters which require technical medical knowledge.

616. The Commissioners are required to examine and report to the Secretary of State upon all plans, contracts, and estimates for the construction of asylums, and with regard to hospitals and licensed houses to determine themselves as to the propriety and fitness of the erection, additions to, and alteration of these buildings. The examination and consideration of plans by the Commissioners themselves is rendered necessary by the special nature of the work, which has to be dealt with by experts who are familiar with the requirements of patients both in health and as mental and physical invalids, and with the special construction and appliances which experience has shown to be necessary for their safety and treatment. Plans, Contracts, and Estimates. Trevor, Vol. IV., p. 6, c. 2.

The duty of considering plans and contracts for the purchase of land, or of erection of buildings for the purpose of asylum accommodation, was imposed on the Commissioners by Section 45 of the Lunatic Asylums Act, 1853. This section, also, provides that estimates of the cost and expense of carrying such plans into execution are to be submitted direct to the Secretary of State. Under Section 5 of the Lunacy Acts Amendment Act, 1862, such estimates were also to be submitted to the Commissioners. These two sections are embodied in Section 272 of the Lunacy Act, 1890. In the case of hospitals and licensed houses, the Commissioners merely approve the plans; they are not concerned with the question of cost.

At present, plans, contracts, and estimates, in addition to being examined by the Commissioners, have to be submitted to the Home Office for the approval of the Secretary of State, and they have, in practice, also to be submitted to the Local Government Board, whose consent is necessary, under Section 274 of the Lunacy Act, 1890, before a local authority can borrow money upon the security of the county or borough funds for the execution of the proposed works. The opinion of the Lunacy Commissioners is that one thorough examination would be more effective than the three now in force.

617. To assist them in this branch of their business, the Commissioners employ an architect of experience in asylum construction who is consulted on all plans and estimates of importance. The architect so employed is engaged in private practice and is not an officer of the Commission. He is paid by fees which apparently average about five guineas for each set of plans submitted to him. He does not examine the specifications, nor are all plans necessarily referred to him. Hine, Vol. IV., 32608–32615, 32832–32836. Trevor, Vol. IV., 25305–25312. Dorington, Vol. IV., pp. 19–21. Cooke, Vol. IV., 26314–26319.

It has been strongly represented to us by the witnesses on behalf of the Commission and others, that this system is not sufficient to enable them to prevent unnecessary expenditure nor to obtain as full a criticism and amendment of plans and specifications as is desirable. They say that what is required is an experienced salaried architect to the office, to devote the whole of his time to the work. Further than this, they should, in their opinion, be empowered to take the opinion of sanitary, electrical, and other experts, if necessary, upon particular occasions. However the consulting authority be constituted, we recommend that an independent and salaried architect, not engaged in private practice, should be employed. Urmson, Vol. IV., 26767–26779. Giffard, Vol. IV., 27196–27198. Cunynghame, Vol. IV., p. 322. Crowther, Vol. IV., 30600–30612. Vickers-Edwards, Vol. IV., p. 217. Brooks, Vol. IV., 31117–31119. White, Vol. IV., p. 231, c. 1.

Recommendations XXVII. and XLIII.

618. In addition to the above-mentioned work which is done in the office, the Commissioners are concerned to consider and discuss matters of importance in connection with the policy of the board, and to deal with matters for which an order of the board is required, such as dispensations in regard to medical visits,

Trevor, Vol. IV., p. 5, c. 2.

orders to visit, changes of holders or petitioners' permissions to receive more than one single patient, property reports to the Lord Chancellor, prosecutions, the reception of deputations and interviewers, and any other matter upon which the secretary may from time to time think it expedient to obtain a direction.

619. In Paragraphs 610–618, we have described very shortly the present work of the Commissioners, that it may be presented as a whole in connection with the historical notes which precede it. To several of the questions, which are incidentally raised in this statement we will refer again in discussing proposals for changes which have been submitted to us.

III.—Local Authorities and Asylums.

Asylums and Asylum Committees.
Shadwell, Vol. I., p. 81, c. 1.

620. To the local administration for the care of lunatics, outside the Lunacy Commission, we have not yet referred in any detail.

The unit for local administration is, with some exceptions, the council of the county or county borough. This authority is bound to provide asylum accommodation for its paupers and lunatics, and may provide it for lunatics of the private class. It is required to exercise its powers through a visiting or asylums committee. The management of the asylums rests with this committee; it makes general rules and regulations for that purpose, appoints and dismisses the officers and fixes their salaries and pensions; and its members are individually described as visitors. The visiting committee is concerned only with the county or borough asylum. It has no relation either to the accommodation provided in hospitals for lunacy, or to that provided in workhouses, or to patients in licensed houses.

Lunacy Act, 1890., Sec. 254.

The visiting committee may provide accommodation by the erection or acquisition of an asylum separately, or in conjunction with other counties or boroughs; or the council may contract for the reception of lunatics with the visiting committee of another county or borough, or the managers of a licensed

Sec. 243.

house, or, in certain circumstances, a hospital. They may direct which of the modes of providing asylum accommodation shall be adopted. Plans, estimates

Sec. 254.

and contracts approved by them have to be submitted to the local authority for approval; but they have power to spend, of their own authority, on necessary

Sec. 266 (1).

and proper additions, alterations, and improvements, up to £400 in the year, still subject however to the approval of the Secretary of State, but without special reference to the local authority. Reception contracts require the approval of a Secretary of State, as, also, do plans and estimates.

Expenses, and default, of local authority.
Shadwell, Vol. I., p. 81, c. 2.

621. The expenses to be paid or contributed by a local authority for the purposes of the Act are to be paid out of the county or borough fund to the treasurer of the asylum. Borrowing powers are subject to the consent of the Local Government Board. The approval of the Secretary of State is obtained under the terms of the following clause of the Lunacy Act, by which the Commissioners intervene as his advisers:— Lunacy Act, 1890, Sec. 274.

Lunacy Act, 1890, Sec. 272.

> "For the purpose of procuring the approval of a Secretary of State to any agreement, contract, or plan requiring approval under this Act, the agreement, contract, or plan, with an estimate of the probable cost of carrying it into effect, shall be submitted to the Commissioners, and to the Secretary of State, and the Commissioners shall make such inquiries as they think fit, and shall report thereon to the Secretary of State, who may approve the agreement, contract, or plan, with or without modification, or may refuse his approval."

Sec. 247.

If the local authority is in default in providing the necessary accommodation, the Secretary of State may require the authority to provide it in such manner as he may direct.

Hospitals.
Shadwell, Vol. I., p. 82, c. 1.
Lunacy Act, Sec. 341.

622. Hospital is defined as "any hospital or part of a hospital or institution (not being an asylum) wherein lunatics are received and supported wholly or partly by voluntary contributions, or by any charitable bequest or gift, or by applying the excess of payments of some patients for or towards the support, provision or benefit of other patients."

This definition fully explains the nature of these institutions. Bethlehem and St. Luke's Hospitals in London are old foundations of the kind. Hospitals receive only private patients; those that can afford it are charged rates that leave a profit, while those who are poor are received at low rates or gratuitously.

Secs. 230-237.

Regulations as to hospitals are contained in Sections 230–237, providing for their registration by the Commissioners; the framing of regulations, which

require the approval of the Secretary of State; the fixing of the number of patients to be received; the furnishing to the Commissioners of plans of buildings to be used for patients; and other matters. The Commissioners, if they think the regulations are not properly carried out, may report to the Secretary of State to that effect, and he may order the hospital reported on to be closed.

Licensed Houses.

623. Licensed houses are institutions carried on for private profit. No new licences for such houses are now issued. They are renewable from year to year, and a licence once allowed to expire cannot be revived. In the "immediate jurisdiction" of the Commission, the Commission are the licensing authority; outside that jurisdiction, the justices of every county and quarter sessions borough. Thus in this branch of work, the old division between the Metropolitan district and the rest of England, between the work of the Commissioners and that of the justices, still remains; and the authority of the Lord Chancellor continues. The Lord Chancellor has power to revoke a licence or direct that it shall not be renewed.

Shadwell, Vol. I p. 82, c. 1.

Lunacy Act, 1890. Sec. 221.

> "Before a house is substituted for one previously visited by justices it must be visited and reported upon by one or more of the Commissioners; and no additions or alterations may be made to a licensed house without the previous consent in writing of the Commissioners, and, if the house is licensed by justices, of two visitors also.
>
> "The Commissioners, with the sanction of a Secretary of State, may make regulations for the government of any licensed house."

Shadwell, Vol. VI., p. 82, c. 1.

Workhouses.

624. Certified lunatics who are "chronic lunatics not being dangerous" may be provided for in workhouses; and visiting committees may, "with the consent of the Local Government Board and the Commissioners, and subject to such regulations as they respectively prescribe," arrange with guardians to receive them. The accommodation provided comes under the ordinary management of the guardians, subject to inspection by the Local Government Board inspectors. The Lunacy Commissioners "visit annually the large asylums of the Metropolitan Asylums Board," which are technically workhouses, "and a third at least of all workhouses in which are any lunatics or imbeciles," and, in addition, make a large number of so-called "annual" visits.

Lunacy Act, 1890, Sec. 26, 1.

Needham, Vol. IV., p. 73, c. 2.

Lunacy Procedure in England and Scotland compared.

625. Omitting here any mention of the duties of the Lunacy Commission in England in regard to their supervision of individual cases, we think it will be useful to submit a statement in regard to Scotland similar to that which we have just made in regard to England, and to point out some of the differences between the two systems. For, many witnesses have referred to the constitution of the Lunacy Board in Scotland, and have suggested the adoption of some features of its constitution and some characteristics of its procedure in England and Wales.

IV.—Present Constitution and Work of the General Board of Lunacy in Scotland.

The General Board.

626. In Scotland, there is a General Board of Commissioners in Lunacy, consisting of a chairman, who is unpaid, two legal Commissioners, who are unpaid, and two medical Commissioners, who are paid. The unpaid members attend all ordinary meetings of the Board, and take part in all its general administrative work. The paid members, who are the medical members, "have the special duties of visiting twice a year and reporting to the Board on establishments for the insane and on the care and condition of patients. Such half-yearly visitation is carried out by one medical Commissioner, the other being meanwhile in daily attendance at the office of the Board. There are two Deputy-Commissioners, not members of the Board, whose duties consist mainly in visiting and reporting on all persons of unsound mind under private care, who come for any reason under the jurisdiction of the Board."

Spence, Vol. III., p. 8, c. 2.

District Boards and their Asylums.

627. The country is divided into districts in each of which is a district board. Each district consists of counties, groups of counties, or parts of counties. Where there is a considerable population represented by a parish council, the parish council is constituted the district board of lunacy, and, in that capacity, fulfils functions entirely separate from its functions in regard to poor relief. In other areas, district lunacy boards are formed by the local authorities, county councils and magistrates of burghs within the area.

The duties of district boards of lunacy are confined to the purchase of sites and the erection or acquisition, maintenance and management of district

Spence, Vol. III., p. 8, c. 2.

District Boards and their Asylums—*contd.*

Spence, Vol. III., p. 8, c. 2.

asylums; or when the erection of a district asylum is not necessary, to contracting with existing asylums for the reception and maintenance of the pauper lunatics of the district. They have no concern with Royal asylums or parochial asylums, or with lunatic wards in poor houses or pauper lunatics in private dwellings. They have power to borrow money for the erection, enlargement, and maintenance of asylums, upon security of assessments levied under the Act for the purpose, which assessments are apportioned by the General Board upon heritable property in counties and burghs within the district. They have to furnish the General Board with abstract accounts of receipts and expenditure and with loan accounts.

The district asylums are those erected, or acquired and managed, by the District Boards of Lunacy. The sanction of the General Board is required as to sites, plans and specifications and estimates for the erection and alteration of asylums, but no other sanction is necessary. The Board has power to draw up rules for the management of these asylums which require the approval of the Secretary for Scotland. But these asylums require no licence from the Board.

Royal Asylums. Spence, Vol. III., p. 9, c. 1.

628. In the case of Royal asylums—which correspond to the "Hospitals" in England—the General Board have the right, as in the case of other asylums, "to visit, inspect and report and to inquire into all particulars in relation to the keeping and management of the asylum and the care of lunatics in it." They have no power to make rules for their management, except as to books, minutes and returns. Nor have they any power in regard to plans and specifications, though in fact they may be consulted about them.

Private Asylums. Tuke, Vol. IV., 28717.

629. Private asylums, of which there are only one or two, are like licensed houses in England; they are licensed by the Board, who can make rules in regard to their management.

Parochial Asylums.

630. Parochial asylums are institutions intermediate between district asylums and licensed poorhouse lunatic wards. They resemble district asylums in that all classes of insane including curable and dangerous cases may be admitted, but, unlike district asylums, they are under the management of parish councils.

Wards in Poor-houses. Spence, Vol. III., p. 10, c. 2.

631. Besides these, there are lunatic wards in poor-houses. These, too, are licensed by the Board for the reception of pauper lunatics who are not dangerous and do not require curative treatment. In regard to them, certain conditions have to be fulfilled. The accommodation must be entirely separate and with separate grounds, and stipulations are made as to attendance, dietary, and other matters. If these stipulations are not enforced, the licence may be withdrawn. The wards are under the management of the Poor House Committee, and the governor of the poor-house is in the position of superintendent. The Board do not require a resident medical officer unless the number for which the wards are licensed exceeds 100.

Boarding-out. Clouston, Vol. III., p. 201, c. 2.

632. The boarding-out in families of the chronic insane who require no special treatment is a conspicuous part of the Scottish system, and to it we will refer later. It cannot be said that boarding-out, strictly so called, has any place in the English system, unless the outdoor relief given by Poor Law Guardians to the families of persons who are mentally defective may be considered a kind of unacknowledged boarding-out.

V.—Differences between English and Scottish Methods.

633. If, then, we omit questions respecting the supervision and inspection of individual cases, we may sum up the differences between the English and the Scottish system as follows:—

(*a*) *Payment of Commissioners.*

In Scotland, the legal members of the Commission are unpaid, and take a great part in its general work, but not in the visitation of asylums. In England, the legal members of the Commission are paid, and they take part in the work of visitation, which in Scotland is wholly done by the paid medical members.

(*b*) *Visitation.*

In Scotland, two visits a year are paid to all institutions. In England, there is precise statutory provision for more frequent visits to some institutions and houses, and less frequent visits to others.

In England, in the case of asylums and some other institutions, two Commissioners together have to visit and report. In Scotland, one only is required to do so. Differences between English and Scotch methods—*contd.* Chap. XXXIII.

The details on these two points we will submit in a subsequent chapter, when we consider the question of visitation.

(*c*) *Local Authorities.*

In England, the local authorities are county and borough councils. In Scotland, district boards of lunacy are the local authorities; they consist, in some urban areas, of parish councillors, but elsewhere, of representatives from county councils and from burgh magistrates. In some instances, when the asylums are parochial asylums, parish councils act as local authorities.

(*d*) *Rules and Regulations.*

In the case of district asylums—the asylums of district boards—in Scotland, the board has the power of framing rules and regulations. In England, the Commission has no such power. They approve the rules only. If new rules are wanted, the Visiting Committee of the county or borough council must take the initiative. The Commission cannot do so.

(*e*) *Sites, Plans, &c.*

In the case of the purchase of sites, plans, etc., the approval of the board in Scotland is final. In England, the approval rests with the Secretary of State, but where money has to be borrowed the consent of the Local Government Board is also required. The Commission intervene only with their advice. Lunacy Act, 1890, Sec. 272.

(*f*) *Accounts.*

In England, the accounts of asylums are sent under statute to the Local Government Board and to the Commission. In Scotland, they are sent to the Board of Lunacy only. Sec. 278.

(*g*) *Loans.*

In England, if the local authority desires to borrow, an application must be made by it to the Local Government Board. In Scotland, the district board has power to borrow, but the Lunacy Commission apportion the assessments for repayment within the district. Sec. 274.

(*h*) *Insane in "Poorhouses" or "Workhouses."*

In Scotland, wards used in poor houses for certified insane are licensed by the Commission subject to conditions, and, like all other institutions for the care of lunatics, are inspected by them twice a year. In England, though a certain number of workhouses—some sixty-two—are visited annually by the Commission, the responsibility of the care of lunatics in workhouses rests chiefly with the Poor Law authorities. The wards in which they live are not licensed, nor are any conditions required. Excepting in the case of asylums of the Metropolitan Asylums Board, they are usually visited by the Commissioners only once in three years.

(*i*) *Boarding-out.*

In Scotland, there is an organised system of boarding-out; in England, there is none.

CHAPTER XXXII.

Suggestions for the Re-organisation of the Lunacy Commission.

634. The Lunacy Commission is primarily an advisory body armed with powers of inspection and report. It forms no part of any State Department. Its members are appointed by the Lord Chancellor and it reports annually to him. In its administrative duties, it is connected with a Secretary of State—with the Home Office. In both branches of work its action is chiefly indirect. It interviews and advises. The duty of carrying out its recommendations rests with the local authorities, the Visiting Committees of the county and borough councils, or the managers of hospitals, or the licencees of licensed houses. In the event of misconduct in regard to a licensed house, the licence, on the recommendation The advisory nature of the Lunacy Commissioners' work.

The advisory nature of the Lunacy Commissioners' work —*contd.*

Lunacy Act, 1890, Sec. 247.
Cunynghame, Vol. IV., p. 321, c. 1.
Urmson, Vol. IV., 26684.

Lunacy Act, 1890, Sec. 254 (1), (2), (3), and Lunacy Act, 1891, Sec. 16.

Lunacy Act, 1890, Sec. 275 (1), (2). Sec. 231 (5), (6), and Sec. 12, Lunacy Act, 1891.
Marriott Cooke, Vol. IV., 26054.

Lunacy Act, 1890, Sec. 226.

of the Commissioners or of the Licensing Justices, may be revoked by the Lord Chancellor. If a local authority fail to provide the accommodation required by the Act and the Commissioners (§ 247). report to the Secretary of State, "the Secretary of State may require the local authority to provide such accommodation in such manner as he may decide, and the local authority shall forthwith carry the regulation into effect." And on the comparatively rare occasions on which appeal is made to the power of compulsion, action is taken by *mandamus*. So in other matters. The Commissioners inquire (§ 272) in regard to plans, estimates, and contracts for the purchase of land and erection of buildings proposed by a local authority, and report to the Secretary of State, "who may approve the agreement, contract or plan with or without modification, or may refuse his approval." So in the case of contracts for the reception of pauper lunatics of one district into the asylum of another, and in the case of rules for asylums, hospitals and licensed houses. The rules of asylums are prepared by the Visiting Committee and approved by the Secretary of State; the rules of hospitals are drafted by the Managing Committee of the hospital and approved by the Secretary of State. In both cases the Commissioners advise the Home Secretary, and their only control lies in that. In the case of licensed houses, with the sanction of the Secretary of State, the Commissioners may make the regulations. The Commissioners are thus in the main an intervening advisory body without executive functions. They advise and report on the one hand to the local authorities or agencies, on the other hand to the Secretary of State or to the Lord Chancellor. The acceptance or the enforcement of their advice rests with other authorities.

Lunacy Act, 1890, Sec. 221.

Suggestions for increasing the direct authority of the Commission.
Urmson, Vol. IV., 26545, 26546.

635. The question is raised whether this advisory position should be altered and whether powers should not be conferred on the Commission to draw up rules and regulations in all cases and enforce their observation. One of the Commissioners, Mr. Urmson, said: "We want further powers, to make rules and to insist on their being complied with." So Dr. Needham, a Commissioner in Lunacy:—

Needham, Vol. IV., 26948.

> I think the Lunacy Commissioners ought to have power to call for a revision of the rules and regulations in both hospitals and asylums. . . The state of the asylum alters, or a variety of circumstances occur to make the state of things different; subject to a certain amount of discretion to local authorities, you want a revision to meet the new state of things and you have no power to call for it; once passed these rules can be kept on until the end of time.

Needham, Vol. IV., 26951.

So as to the future: if the jurisdiction of the Commission is extended to mentally defective persons as defined in Recommendation IV., the Commissioners, it is thought, should have power to regulate the establishments for them. So Dr. Mercier, who gave evidence on behalf of the Royal College of Physicians, suggests that they should have power to make rules in regard to the treatment of lunatics in workhouses. And Dr. Whitwell, the Medical Superintendent of the Suffolk County Asylum, proposes that they should be empowered to make compulsory orders in structural matters: for example to say, "Such and such buildings are not to be used and such and such buildings must be put up."

Mercier, Vol. IV., 29942.

Whitwell, Vol. IV., p. 202, c. 1.

Clouston, Vol. IV., 30996, 30997.

Dr. Clouston, the Superintendent of the Royal Asylum, Edinburgh, supports these views. He says: "The powers of the Commissioners should be absolute in regard to size of asylums and in regard to plans of asylums." They should also have "greater powers in certain matters of internal administration, such as breaches of discipline on the part of the officers of institutions" and "some power over the higher officers, if they found a bad state of affairs existed,"—"as would lead to dismissal"—"such power that it would not be a mere personal recommendation, but that they would be performing a statutory duty in making such recommendation." At present a return is made by the asylum when an attendant or nurse is dismissed. The Commissioners have power to prosecute, and if the dismissal is due to misconduct affecting the patients they make inquiry, and, if necessary, prosecute. They have no power over the staff itself.

Urmson, Vol. IV., 26471, 26472.

Hodgson, Vol. IV., p. 261, c. 1 and 2.

Dr. Hodgson, the Chairman of the County Asylum at Chester, who expressed, like some other witnesses, his dissatisfaction in regard to the delay in passing plans, made also some general suggestions with a view to increasing the influence of the Commission. He thought that the Commissioners should occasionally meet the Asylums Committee in conference, an arrangement which would, he thought, be advantageous to both parties. "The Commissioners, though they had practical authority as to what was required for buildings, had little or no authority

in the ordinary administration of public asylums." The Annual Reports "came to the Committee having little authority behind them and not often as much influence as is desirable for all concerned." As to the treatment of lunacy as a disease, the visits of the Commissioners to Asylums Committees could be utilised "if only for the information they could give of the best things being done to advantage in other asylums." "The State had a right to exercise more influence in lunacy administration, not authoritative interference by the Commissioners, but the exercise of legitimate influence which well-informed, experienced, and tactful officials can always use to advantage." The change here insisted upon is the wider extension of personal and official influence, rather than the enlargement of the direct authority of the Commission. But Dr. Savage, who gave evidence on behalf of the Parliamentary Committee of the Medico-Psychological Association, would give them an altogether stronger position of control :—

Suggestions for increasing the direct authority of the Commission—*contd.*

Hodgson, Vol. IV., p. 261, c. 2.

Savage, Vol. IV., 29015.

> "'It seems to me,' he said, 'that here is the head of a great body; they are recognised as a head, and ought, as a head, to have a directing, observing and supervising power.'"

In these counsels, however, usually all that is definitely and immediately urged is, that two or more additional Commissioners should be appointed, in order to enable the Commission to meet the great increase of work that has sprung up in connection with certified lunacy. But as the influence of the Commission rests chiefly on advice and comment, the acceptability of which depends very much on the status of the advisors, it is argued, especially by medical witnesses, that no assistant Commissioners or inspectors should be appointed for the service of the Commission. Only Commissioners of full rank, who have large experience and special knowledge will have, it is said, weight sufficient to control and guide administrative opinion.

Other critics, accepting this view on the whole, have suggested that the English Lunacy Commission and administration might be re-organised on Scottish lines.

636. On the other hand, by some a policy of reconstruction is proposed which would practically abolish the Commission. This policy is based on several different theories and allegations. Some desire a Board of Health in which the Commission would be merged, some think its visitation of asylums unnecessary, and some blame it for misguidance and excessive expenditure in connection with the building of asylums.

Suggestions for minimising the authority of the Commission or abolishing it.

637. To take the first point. The British Medical Association desire that there should be "one central department charged with the supervision of matters which from the medical standpoint, whatever differences there may be in degree, are in nature homogeneous." They wish the Local Government Board "to be the Department of State dealing with all questions of health, . . . 'practically' the Department of the Minister of Health," and they would include in it the oversight of all cases of mental disease.

Smith Whitaker, Vol. IV., p. 237, c. 1.

Vol. IV., 31371.

Vol. IV., 31379.

Dr. Claye Shaw, formerly Medical Superintendent of the Banstead Asylum, wishes "to increase the powers of the Lunacy Commissioners so as to enable them to enforce systems of management of asylums which they approve; to arrange the proper and adequate accommodation for patients, to acquire sites, and to order the size and form of buildings," and "to make the Local Government Board the supreme reference in lunacy matters affecting lunatic hospitals, private and county asylums and lunacy matters generally." The argument put forward in support of this view was that the Local Government Board already "had a very great deal to do with insane people," and that it was "an anomalous thing that the Lunacy Commissioners should have to examine the workhouses that are under the control of the Local Government Board," and further that the architects, sanitary inspectors, engineers and others now attached to the Local Government Board should be available for building and other purposes in connection with asylums.

Claye Shaw, Vol. IV., p. 197, c. 1 and 2.

Vol. IV., 30377.

30378.

30377.

638. Mr. Crowther, Chairman of the Asylums Committee of the West Riding, objected chiefly to the action and policy of the Commission in relation to buildings. To that we will refer later; but his general suggestion was that "the visitation of asylums by the visiting committee of the local authorities was so complete and vigilant, that inspection by a central Government body was practically not required." "One Government inspector to visit annually would be quite sufficient"—"one inspector visiting one asylum continually." "In the present system there is a want of continuity of policy, in our opinion, which goes against efficiency and is very irritating sometimes." The Commissioners should not be responsible in any way for the medical and physical condition

Crowther, Vol. IV., p. 206, c. 1.

30593.

30549.

30588.

Suggestions for minimising the authority of the Commission or abolishing it. —*contd.*

of the patient. There should be separate county management, and the services of a permanent Government architect. Practically he would "eliminate the Lunacy Commission." Crowther, Vol. IV., 30532. 30535. 30531.

639. Mr. Brooks, Chairman of the Surrey County Asylums Committee, made criticisms and suggestions which may be summarised as follows :—

> "The Commissioners in this country, with its large number of lunatics and asylums, cannot know what is being done in any detail. They are not sufficiently strong to do the work. One or two Commissioners intimately acquainted with what is being done in one district or community would be better—something more on the lines of county medical inspection. There might be county inspectors over lunatic asylums—one county or more under one inspector according to the population. They would be in constant touch with the asylums and the medical staff. They would visit at uncertain times once in every three months and report to the Central Authority. They would have power to serve notices on committees and proprietors or managers to remedy deficiencies and provide necessary requirements. One visit a year like that of the Lunacy Commissioners is utterly useless. It is merely a visit to collect statistics on the off chance of your seeing something as you walk downstairs or pass through a ward. There is no time for these gentlemen to give to it, once in twelve months."

Brooks, Vol. IV., 31147, 31148.

On this scheme, the Commissioners' functions would be "limited to those matters which are more particularly concerned with the medical, domestic, and hygienic conditions under which lunatic patients are detained in public asylums." All proposed erections, alterations or extensions of buildings would be submitted to the Home Office direct, and the contracts made by local authorities for the temporary accommodation of patients would be settled also subject to the direct approval of the Home Office. The Lunacy Board should be a special department of the Home Office, consisting of a medical chief and his medical deputy and two or three other qualified members with an efficient office staff as required, and probably a legal member.

Vol. IV., p. 225, c. 2.

640. Mr. Davis, Chairman of the Birmingham Asylums Committee, took a similar view of inspection, but he desired that the Commission should be remodelled so as to include "a number of medical men (most of whom should have had lengthened experience in the care and treatment of the insane), lawyers, Members of Parliament and representatives of county councils, cities and boroughs."

Davis, Vol. IV., p. 276, c. 1.

641. Mr. Cooper, who was a member of the London County Council from 1889 to 1906, and who had taken an active part in the Council's asylum administration, spoke strongly against the work and policy of the Commission. On the question of its constitution, he said that they were "virtually a perfectly independent board —their only obligation being to report every six months the number of visits that they had made and the number of patients that they had seen"—and to lay their annual report to the Lord Chancellor before Parliament. Plans and estimates had to be sanctioned by the Home Secretary; "but the Home Secretary had disclaimed any responsibility for, or control over, the action of the board." The authorities were now elected, and the care of lunatics detained in asylums had been transferred to committees of county councils. Hence, it was a question "whether the special reason for the existence of the Board of Lunacy Commission had not passed away, and that the board be abolished, and any power and duty of theirs which is worth retaining, be given either to the Home Office or the Local Government Board." This might include "very large powers," probably enough to enable them to discard a proposal or scheme of the local authority, while leaving it a large discretion as to the kind and character of the asylums it should be allowed to build.

Cooper, Vol. IV., 34329 to 34599.

Vol IV, p. 375, c. 1.

Vol. IV., p. 375, c. 1.

Vol. IV., p. 375, c. 2.

34480.
34482–34483.

Summary of suggestions for minimising or abolishing the powers of the Lunacy Commission.

642. These suggestions are very various: to make the Commission part of the Local Government Board, transformed into a Board of Health; to increase the power and authority of the Commission in the management of asylums, etc.; to eliminate it, and to provide annual inspection, and an architect who should be at the disposal of the local authorities; to enlarge the Commission so that it may be a somewhat representative consultative council; to abolish the Commission and to give more power to the asylum committees under the direct control of the Home Office or Local Government Board. And, except in the first two instances, these suggestions are the outcome of allegations of mismanagement, especially in reference to visitation, and the dispatch of business in connection with plans for

new buildings. These and some other points we will take in turn. And another plan, also, may be mentioned here; namely, that the Lunacy Commission should continue to carry on its work in regard to the certified as at present, but that a new body should be formed to deal with the "feeble-minded."

643. Our conclusions on this variety of suggestions we will submit later on. We begin our discussion of the subject by drawing attention to the fact that it is admitted that the work of the Commission at the present time is beyond their powers. At present, both the inspectorial and the advisory work is :— Pressure of work on the Lunacy Commission.

Vol. IV., 25877.

Marriott Cooke, Vol. IV., 25879, 25880.

"Done at a most undue pressure. Some of us are often obliged to be absent from Board meetings when there are important matters of policy to be discussed, and occasionally matters arise in institutions, such as suspected ill-treatment of patients, which we are not always able, owing to the shortness of our numbers, to investigate on the spot as we should like."

Asked why the approval and settlement of plans for an epileptic colony to be established by the London County Council took two years, Dr. Marriott Cooke, a Commissioner in Lunacy, answered :—

"I may say that all these plans take a long time, they involve enormous expenditure of money, and it is most important in the interests of the ratepayers that these plans should not be hurried through. We think that where there is an expenditure of perhaps nearly £500,000 incurred in the erection of these asylums, every point should be looked into as carefully as it possibly can be, and there is no doubt that it does take a long time. I should also like to point out that some of the delay which may occasionally arise no doubt due to the Commissioners being over-taxed with work. Very often plans are delayed from our being obliged to go away on circuit, with the result that they must stand over until our return. That is one way in which the over-work of the Commissioners is manifested. Plans might be got through more quickly if more time could be given to them, and if they were not hung up for other work which the Commissioners must perform without delay." 26164.

Dr. Needham, a Commissioner in Lunacy, after describing the duties of the Commission and submitting a list of hours of work during twenty-two days of visiting asylums, says :— Needham, Vol. IV., p. 74, c. 2

"The absorption of time in the several ways and to the extent specified above leaves practically none for consultation between members of the Board, and deliberation as to matters of principle, policy, and law, which are so necessary to secure sound, consistent, and united action. Parliament has laid upon the Commissioners duties and obligations, the efficient discharge of which is essential to the welfare of the insane, and the preservation of the liberty of the subject, and they are convinced that any neglect of many of them, or their perfunctory or incomplete discharge, would be followed, sooner or later, by reversion to the conditions which prevailed before, and for some time after, the creation of the Lunacy Commission, an account of which is to be found in the Parliamentary papers of that time.

"The Commissioners are satisfied that they can no longer continue to discharge those duties in as complete a manner as they have hitherto endeavoured to discharge them unless they are strengthened by an addition to their number, and they have no doubt whatever that it would be quite impossible for them to undertake such extra work as it was proposed to lay upon them in relation to the Incipient Insanity Clauses of the last Lunacy Bill. As it is, their duties have to be discharged so hurriedly as to be good for neither the work nor the workers."

644. There is thus on the one side, on the part of the present Commissioners, an ample admission of their inability to cope with the work of the Commission as it now stands; and on the other side, there are the complaints which underlie the proposals for change which are mentioned above.

CHAPTER XXXIII.

Visitation and Discharge.

645. The number of Commissioners available for statutory visitation is very small—three Legal Commissioners and three Medical Commissioners. Five Honorary Commissioners may be appointed. Actually there are two only, one of whom is required to be chairman. By the honorary members at the present time but little responsible work is done; hence the brunt of it falls on the six Commissioners, and the Secretary and his staff of clerks. In 1845 there were, as at present, six paid members of the Commission, and there were also for many years afterwards, several honorary members, the late Earl of Shaftesbury, Sir Charles Bagot and others who placed much of their time at its service.

Dorington, Vol. IV., p. 19, c. 1. Trevor, Vol. IV., 25077. 25082. Tuke, Vol. IV., p. 124, c. 1. Trevor, Vol. IV., p. 6, c. 1 and 2. Urmson, Vol. IV., 26735. Giffard, Vol. IV., 27148.

PART VII.
MENTALLY DEFECTIVE PERSONS AND THE LUNACY COMMISSION.

Chapter XXXIII.
Visitation and Discharge.

Growth of work of the Lunacy Commission. Needham, Vol. IV., p. 73, c. 2. 61st Report of Commissioners in Lunacy, p. 1.

646. But the work as indicated alike by the number of certified lunatics and by the larger size of the institutions to be visited has increased very much indeed. In 1845 the number of lunatics was 25,000; in 1883 it was 77,000; in 1907, 123,988. The number of county and borough asylums in 1883 was sixty-two; there are now, in December, 1907, ninety-four (*see* Par. 653 *post*) and the asylums are larger. In February, 1883, there were only thirteen asylums with an insane population exceeding 1,000; in 1904 there were nineteen in which the patients exceeded 1,000. Trevor, Vol. IV., p. 6, c. 1.

The aggregation of lunatics in large institutions, and modern facilities for travel, are facts which bar the conclusion that the work of the Commission, as a whole, has increased in the ratio of the increase in the number of lunatics; but to the remarkable increase in that number due weight must be given.

Visitation of Asylums.

647. The visitation of institutions in England and Wales by the Commissioners is arranged in six circuits; and the Lunacy Act of 1890 lays down precise instructions as to the number of visits to be paid annually to different kinds of institutions. Each asylum has to be visited by two or more Commissioners once at least in each year and inquiry made on the following points :— Trevor, Vol. IV., p. 6, c. 2.

Lunacy Act, 1890, Sec. 187, etc.

> "187.—(1.) Two or more Commissioners, of whom one shall be a medical practitioner and one a barrister, shall once at least in each year visit every asylum and shall inquire :—
>
> (*a.*) Whether the provisions of the law have been carried out;
> (i.) As to the construction of the building;
> (ii.) As to visitation;
> (iii.) As to management;
> (iv.) As to the regularity of the admission and discharge of patients;
>
> (*b.*) Whether Divine service is performed;
> (*c.*) Whether any system of coercion is practised, and its result;
> (*d.*) As to the classification of patients and the number of attendants on each class;
> (*e.*) As to the occupations and amusements of the patients, and their effects;
> (*f.*) As to the bodily and mental condition of the pauper patients when first admitted;
> (*g.*) As to the dietary of pauper patients;
> (*h.*) As to such other matters as to the visiting Commissioners seem fit.
>
> (2.) Any one or more of the Commissioners may at any time visit any asylum with the like powers as are by this section given to two or more Commissioners."

Of course the visitation of the Commissioners is not, nowadays, the sole means available for the maintenance of a high standard of efficiency in asylums. In addition to their inspection, asylums are subject to the much more frequent and detailed scrutiny of the representatives of the local authorities. There are visits of at least two members of the asylums committee of the council or borough council made together "once at least in every two months" "to inspect every part of the asylum and see every patient therein, so as to give every one, as far as possible, full opportunity of complaint, and examine the order and certificate or certificates for the admission of every lunatic. . . . ." Lunacy Act, 1890, Sec. 188.

Lunacy Act, 1890, Sec. 189.

Further, where the asylum receives inmates sent by other asylum committees, a visit is paid once in six months by two members of the Visiting Committee who have placed the patients in the asylum.

Visitation of Hospitals and Licensed Houses.

648. Besides the asylums, the Commissioners have to visit hospitals and licensed houses (Sec. 191). The licensed houses "within the immediate jurisdiction of the Commissioners" are those (Sec. 206 and third schedule of the Act) in the cities of London and Westminster, the counties of London and Middlesex, and parts of Surrey and Essex in the outskirts of London, and "also every other place, if any, within the distance of seven miles from any part of the cities of London or Westminster, or of the borough of Southwark." These have to be visited six times a year, four times (Sec. 191 (2)) by not less than two Commissioners, "of whom one shall be a medical practitioner and one a barrister, and twice by one or more of the Commissioners."

The licensed houses outside this jurisdiction (Sec. 191 (3)) the Commissioners have to visit twice a year—a medical and a legal member together; and every hospital (Sec. 191 (4)) in the same way, not less than two Commissioners have to visit once a year, one being a medical practitioner and one a barrister. All these visits are made "without previous notice" (Sec. 191 (5)). There is,

Visitation of Hospitals and Licensed Houses —*contd.*

however, a proviso (Sec. 191 (7)) by which on a representation by the Commissioners the Lord Chancellor for a specified period need not require a house licensed by justices to be visited more than once a year, or a house licensed by the Commissioners and not receiving pauper patients more than twice a year by two Commissioners.

In the case of the houses licensed "within the jurisdiction of visitors appointed by justices" (Sec. 193 (2)), also, the visits of the Commissioners are supplemented. These houses are visited by two of the visitors appointed by justices, one of them being a medical practitioner, four times a year; and, besides other visits, by one or more of these visitors twice a year.

Visitation of Unlicensed Houses and Single Patients.

649. In addition to this (Sec. 198) there are visits to unlicensed houses, that is, to houses in which a single patient is detained as a lunatic. These houses have to be visited at least once a year by one or more Commissioners. Further (Sec. 199), there are visits made by any one Commissioner, on the direction of the Commissioners or any two of them, to a single patient, with a view to a report to the Commissioners or the Lord Chancellor on the treatment and state of health, both bodily and mental, of the patient and as to the moneys paid on his account. And, besides other visitation (Sec. 199 (2)), there are (Sec. 201 (1)) visits made to pauper lunatics, in individual cases, by medical practitioners appointed by boards of guardians.

"Special visits."

650. Also, in cases requiring immediate investigation, "special visits" are made (Sec. 204) by the Commissioners; and (Sec. 205) "in the case of a lunatic so found by inquisition," the Lord Chancellor may direct "the Commissioners, or any of them, or any other person, "to visit and examine the lunatic; or the Lord Chancellor, or the Secretary of State, may direct such an inquiry in regard to a lunatic not so found, or an alleged lunatic.

Metropolitan Asylums Board Asylums, and Workhouses.

651. Finally, the asylums for imbeciles under the Metropolitan Asylums Board, and workhouses with special lunatic wards, are visited once a year by a single member of the Commission; and other workhouses in which (Sec. 203) there is or is alleged to be any lunatic "any one or more of the Commissioners, as the Commissioners by any resolution may direct," may visit, and "shall inquire whether the provisions of the law have been carried out, and also as to the dietary, accommodation and treatment of lunatics"; and (Sec. 204 (1)) in cases of any lunatic or alleged lunatic requiring immediate investigation in any institution for lunatics, or workhouse, they may order any competent person or persons to visit and report.

In the case of lunatics detained in workhouses, there is also a supplemental system of visiting. Apart from the medical officer of the workhouse and the Poor Law guardians, the inspectors of the Local Government Board visit the workhouses periodically.

Effect of Lunacy Act, 1890, as to Visitations.

652. Thus the law, it will be seen, imposes a very elaborate system of duplicate visitation where there is a local authority concerned, as in asylums and workhouses, but in the case of licensed houses which are in the immediate jurisdiction of the Commission—in the metropolitan district defined in the third Schedule of the Act—and which are subject to the control of no local authority, the Commissioners have to visit practically every two months.

653. The institutions to be visited lie apart. In December, 1907, from information supplied by the Lunacy Commission, it appears that the numbers were as follows: ninety-four are county or borough asylums; fourteen are registered hospitals; eight are hospitals or institutions registered under the Idiots Act, 1886; four are State institutions; twenty-two are Metropolitan, and forty-four are provincial licensed houses: and in houses scattered over the country, many of them remote and inaccessible, are 398 single patients. And, as we have seen, many institutions have to be visited by two members of the Commission together.

System of Visitation.

654. Dr. Needham thus describes the visit to an asylum. He says:—

"It is always a surprise visit. We go into the asylum and we see the superintendent and we hand in a schedule of particulars which we ask to have filled up with reference to the admission of patients and changes that have taken place amongst the patients since

Needham, Vol. IV., 26895.

Chapter XXXIII.
Visitation and Discharge.

System of Visitation—*contd.*

Needham, Vol. IV., 26897, 26898.

the last visit, the number of deaths, causes of death and matters of that kind, mechanical restraint, seclusion, and a number of particulars. That has to be done by the clerk and by the medical officers while we are inspecting; we also inquire as to the number of attendants who have left and a number of matters of that kind. Needham, Vol. IV., 26896.

"Then we go round the wards. We go into each ward, and as we go in we see the charge nurse. We are accompanied by the medical superintendent and the assistant medical officers and by the matron or by the head attendant. We take down in each ward the number of patients, the number of attendants, the number of patients who are epileptic, and the number of patients who are suicidal, and the number of patients who are in bed. Then we proceed to count all the patients in the ward so as to make the numbers tally with the number given to us. Then we go round each ward, walking slowly from patient to patient and giving every patient the opportunity of speaking to us, many of the patients availing themselves of that opportunity. If a complaint is made to us we investigate the complaint. For instance, the other day, at an asylum we were going round, a patient complained of being ill-used. We made careful inquiry into the complaint and in the result we advised the superintendent that the nurse should be discharged.

26899. 26901. 26902. 26903. 26904. In investigations like that we take evidence on the spot from the nurses and from any other patients who are competent to give evidence. Of course if a serious complaint were made we should investigate it separately and upon oath. Of these investigations there are comparatively not many, but a good many altogether. It is a matter with which the visiting committees are constantly concerned. . . . If a complaint were made to us at our visitation we should inquire ourselves. We should not disclaim responsibility and say, 'This must come before the committee'; we should make investigations on the spot.

"Then after we have seen the whole of the patients and the whole of the establishment, the kitchen and the store-rooms, and tasted the stores as far as possible, and seen the entertainment-room—in fact, all parts of the premises—we go into the committee-room and write our report."

655. Asked whether the Commission gave any attention at all to the individual treatment of the patients, their medical and scientific treatment, Dr. Needham said:—

Needham, Vol. IV., 26905-26906.

"Yes, as far as we can. I think we have always held that interference with the medical treatment would be an encroachment upon the duties of the medical superintendent, would limit his responsibility and be rather undesirable. In the medical profession it is not customary for one man to criticise very closely the dealings of another, even if he is in a consultant capacity, unless he has reason to think that the treatment is unsatisfactory. It has happened to me that I have gone to an asylum where I thought the medical treatment, from complaints which were made, was not quite satisfactory. I remember remonstrating very much indeed with the superintendent and insisting upon a variation being made . . . This was the treatment of one or more patients. I found that he used a certain kind of treatment with reference to several patients which I thought was more of the nature of punishment than medical treatment."

Needham, Vol. IV., 26910.

"We are asked for advice on all manner of subjects, and we are always very ready to give the benefit of our wide experience. Superintendents know, and we occasionally point out to them, that we have the advantage which they have not, of going from one place to another and comparing one mode of treatment with another, and we give them the benefit of any experience we have."

Clare, Vol. IV., 33746-33747, 33750.

656. All the reports which are given by the Commissioners are read at a Board meeting at which the members are present, and the extracts of the report which appear subsequently in the Commission's Annual Report convey the opinion of the Board as a whole.

657. The system of visitation, though criticised in some details, received cordial approval from the greater number of the witnesses who spoke on the question.

Crichton Browne, Vol. IV. p. 163, c. 2.

Sir James Crichton Browne, one of the Lord Chancellor's Visitors in Lunacy, said that "by vigilant supervision and steady pressure the Commissioners had succeeded in abolishing the flagrant abuses which existed in asylums, and the gross cruelties to which the insane were subjected at the time when the Commission was created under Lord Shaftesbury in 1845. They had been mainly instrumental in transforming the English asylums from mere houses of detention and safe custody into hospitals and sanatoria for the treatment of mental disease. . . . They had undoubtedly contributed to raise the standard of domestic comfort, of nursing, and of discipline, in asylums of all classes throughout the country. They had given valuable assistance to local authorities in connection with the building and enlargement of asylums, and had endeavoured to exercise a check upon extravagant expenditure. They had insisted on modern sanitation, on modifications of dietary and clothing, on precautions against fire, and on many other measures calculated to enhance the health and safety of asylum inmates. They had promoted the scientific investigation of insanity and the clinical teaching of medical psychology."

Dr. Mercier expressed similar views. Speaking of their statutory functions, their inspectorial and advisory functions, he said :— System of Visitation—*contd.*

"I do not think it possible that those functions could be better done than they are done by the Commissioners at the present time, but there are other functions which the Commissioners, it seems to me, cannot help exercising more or less, and which might be more efficiently exercised, if the Commissioners were in the first place more numerous, so that they had more time to give to the matter, and in the second place, if the Commissioners were a preponderatingly medical body. As the chief authority in lunacy in this country, the Commissioners must, whether they like it or not, set the tone of treatment. They must set the tone of the custodians of lunacy towards the lunatics whom they have in care. They have done so, and their influence in this direction has been very beneficial. The lunatics are now treated throughout the country with kindliness, consideration, and courtesy, and the whole administrative body takes its tone from the manner in which they see the Commissioners deal with lunatics; but I think that their influence might be extended very much further, if the Commissioners had the time, and if they were a preponderatingly medical body." Mercier, Vol. IV., 29893. Cf. Clouston, Vol. IV., 30937.

658. On the other hand there is a demand for more thorough visitation. Dr. Savage said :— Arrangements to enable the Commissioners to give more time to visitation.

"The inspection of the Lunacy Commissioners in great detail is necessary. . . . . Every new case should be inspected; every patient who has been admitted since the last visit should be brought before the medical Commissioner for him to form his judgment, as if it were a new case." Savage, Vol. IV., 28992, 28954, 29024.

And when challenged as to the physical possibility of doing this he said :—

"It is a physical impossibility for the Commissioner to see all the new patients who are admitted into a large asylum, but it seems to me it would be very much more useful if the Commissioners were in one of the rooms at the end of the gallery and the superintendent was there with the case book and went through it and said : 'A. B. has been here now three months' and what his condition on admission was; then the medical Commissioner could examine for himself. It would not take so very long in the majority of cases. He would give the patient an assurance that things were all right, and I think that is a great thing." 29025.

Like many other witnesses, Dr. Savage thought that the Commission required enlargement. It was not now constituted in the best way to carry out its functions :—

"I may say the visitation by Commissioners, when they talk of being able to see 800 patients in a day, although a large proportion are weak-minded, must mean very imperfect visitation; periodically I go to a lot of these private asylums and hospitals, and if one sees thirty or forty in a day and really takes any interest or notice of their progress, it is as much as one can do. As for seeing 600 or 800 patients no one can do that in justice to them, it seems to me." Savage, Vol. IV., 28882, 28883.

The Commissioners ought he thought to be relieved as much as possible of the purely mechanical work, which is outside both their medical and legal province: and he suggested, with a view to lightening the "extremely heavy work" of visiting, that a clerk from the Commission should verify the cases of the patients and should ask them if they wish to make any complaint, and that the Commissioners should then see these patients apart or out of the wards altogether. The patients complained that they could not speak to them when there were half-a-dozen people round them at the same time. 29023. 29046. 28949.

659. Sir John Batty Tuke, M.P., M.D., Visiting Physician to Saughton Hall Private Asylum, criticised the constitution and methods of the Commission very severely. There are, as has been stated, three medical and three legal members of the Commission, and the latter take their part in the visiting of asylums and other institutions. But Sir John Batty Tuke thought that the legal Commissioners "were useless for inspection purposes, were an anachronism." And, by him and others, the question of the utility of the services of legal Commissioners was much discussed. In Scotland, where they were honorary members, they "confined themselves to the board room," and took part only in the legal and general work of the Commission. This course should be adopted in England, he thought. Dr. Coupland, a Commissioner in Lunacy, and others opposed this view. "Our primary duty," he said, "is towards the patients, and we have to satisfy ourselves that they are properly detained. . . . Those patients who do complain most of their detention and feel it as a great hardship are just those insane people who will not admit that they are ill. . . . Over and over again a patient has come up to me . . . and said 'I don't want to see you . . . I want to see the lawyer.' The reason why he wants to see the lawyer is to assure Question of the utility of barrister members of Commission in visiting Asylums. Tuke Vol. IV., p. 125, c. 1; p. 124, c. 1, 28706. Coupland, Vol. IV., 26890. Savage, Vol. IV., 29066.

Question of the utility of barrister members of Commission in visiting Asylums —*contd.*
Savage, Vol. IV., 29057.
28879.
28886–7.

himself that the deprivation of his liberty has been done legally, and to have it explained to him that this is because he has come under the law." And this opinion was held by Dr. Savage. "I think," Dr. Savage said, "the superintendents feel greater confidence in being also supported by members of another profession than by being supported by members of their own profession only. I always felt that the legal Commissioners were a very great strength." His personal view was that the barrister members of the Commission should chiefly assist in its legal business at the office, but should take such part in visiting as would enable them to be thoroughly conversant with its methods and requirements—a view with which we generally agree, though as explained above by Dr. Coupland, the non-medical members can exercise a useful function in investigating complaints as to the impropriety of the detention or treatment of individual cases and in reassuring and tranquillising the patients.

The desirability of continuing the number of statutory visits required by the Lunacy Act of 1890.
Tuke, Vol. IV., 28595–28599.
Tuke, Vol. IV., 28600–28604.
Cf. also Clouston, Vol. IV., 30976, 30957. 30971, 30968.
Urmson, Vol. IV., 26445, 26525, 26535
Mercier, Vol. IV., 29958, 29964.
Clouston, Vol. IV. 30965.

660. The statutory requirements of the Lunacy Act in regard to visitation were also criticised by Sir John Batty Tuke, and, in some measure, by Dr. Clouston Superintendent of the Royal Asylum, Edinburgh. Sir John Batty Tuke, judging from his experience in Scotland, thought two annual visits to an asylum—complete inspections—necessary for proper supervision, not the one visit now required by statute. The "constant visitation of private asylums," he thought, "was quite unnecessary when you take into account the high character of the men who look after them." Twice a year would suffice in their case, instead of the six visits now paid to them; and so in the case of hospitals; and lunatics in workhouses might be visited once or twice a year. Dr. Clouston said, "A man does a very good day's work if he inspects thoroughly 400 patients a day." "Of private patients of a somewhat educated class he would put down something like 200 in one day as being really all that one man could inspect of that class." He favoured the visitation of asylums twice a year, as "for the sake of the insane it forms a more efficient protection." The lunatics in workhouses, he thought, ought probably to be inspected more than those in institutions. "The spirit of a workhouse is not quite a medical one, therefore the lunatic in the workhouse is more apt to be neglected." Once in three years was insufficient. Generally, for all institutions "twice a year would be a reasonable amount of inspection and visitation."

Conclusion that, though frequent visitation is essential, the present conditions should be changed.
Mercier, Vol. IV., 29975, 29976.
Cooper, Vol. IV., p. 204, c. 2.
Crowther, Vol. IV., p. 375, c. 2.
Para, 648
Savage, Vol. IV., 29023, 28949, 29046.

661. On this point, we are of opinion that frequent periodic visitation is essential, if the standard of administration which has been slowly reached in the last sixty years is to be maintained and gradually raised still higher. And we are quite unable to agree with the views of Mr. Cooper, M.P., and Mr. Crowther, that the system should be relaxed. But it is plain that, with so large an increase in the number of certified insane, some change in administration is necessary. The inspection of the insane is unlike much other inspection, as it is necessarily liable at any moment to involve a minute and expert investigation of the cases of individuals. It must, therefore, be very laborious and exacting. Partly for that reason alone, it is inevitable that there should be a large delegation of detailed work to others than the Commissioners themselves, perhaps on the lines suggested by Dr. Savage; and certainly, the terms of the Lunacy Act in regard to visitation should be reconsidered. Its rigid requirements may well, we think, be modified, so that time may be reserved not only for careful and discriminating visitation, but also for new work, connected with the mentally defective, which may prove a very heavy task even for an enlarged and reconstituted Commission. The clauses of the Act which require the joint visitation of asylums by two or more Commissioners, should, we think, be annulled. The vexed question of the position of the "barrister member" we have left to be settled, as it can only be satisfactorily, by organisation within the office of the Commission itself. We have recommended only that "a certain proportion of the number be legal members, being barristers-at-law qualified to deal with particular cases and points of law, including such questions as may arise out of the new conditions which the plan proposed by us must necessarily entail."

Recommendation XXII.

Recommendation VI.

Visiting of mentally defective persons in workhouses or in receipt of outdoor relief.

662. In regard to institutions, such as workhouses, where insane persons are to be found mixed up with persons who are mentally defective in other ways, or who are not mentally defective at all, we are of opinion that visitation by the expert members of the Board is as essential as in the case of asylums, and that increased provision should be made for it. We cannot but have regard to the

fact that in such institutions the inspection of the Commissioners is not, as a rule, supplemented by the daily supervision of a large and expert staff and the frequent visits of representatives of local authorities. But there are other suggestions and criticisms. The fact that the mentally defective persons who are in receipt of outdoor relief are not inspected by the Commissioners has been prominently dealt with in the evidence. The Commissioners have expressed a strong wish that they should be visited, an opinion supported by the reports of our medical investigators and by our personal experiences. They number 5,595, and their visitation would be one of the additional duties of the reorganised Commission.

Visiting of mentally defective persons in workhouses or in receipt of outdoor relief—*contd.*

Cunyngham Brown. Vol 1. 8983.

Needham, 26942.

Potts, Vol. VI., pp. 101 and 102.

Lunacy Commissioners Sixty-first Report, p. 2.

663. Another question is that of discharges in relation to visitation. There are persons who while they are retained in asylums are quiet and controlled, though they have a bad record of recurrent insanity coupled with drink or crime. To discharge these persons is often to pave the way for further indiscipline and insanity. Should not the Commissioners have power to prevent the discharge of such persons, who, while in an asylum, are temporarily sane? Such a duty would add to the time and labour of visitation. It raises the whole question of discharge and renewal certificates. The statutory rules are these :—

Discharges in relation to visitation.

Coupland, Vol. IV., 26783.

> "A private patient detained in an institution for lunatics or under care as a single patient is discharged if the person on whose petition the reception order was made by writing under his hand so directs. . . . If there is no person qualified so to discharge or able or willing to act, the Commissioners may order the discharge. The authority liable for the maintenance of a pauper lunatic detained in a hospital or licensed house may make an order for the discharge of the lunatic."

Lunacy Act, 1890, Sec. 72 (1) and (3).

Sec. 73.

But the absoluteness of these two powers of discharge is qualified by the condition that the discharge cannot take place if the medical officer or medical attendant, as the case may be, "certifies in writing that the patient is dangerous and unfit to be at large."

Sec. 74.

In the case of detention "without sufficient cause" the Commissioners, a medical and a legal, can discharge after inquiry a patient in a hospital or licensed house, or a single patient.

Lunacy Act, 1890, Sec. 75.

664. In asylums the Visitors discharge, no doubt after consultation with the medical superintendent. "Any three Visitors of an asylum may order the discharge of any person detained therein whether he is recovered or not." And "any two such Visitors, with the advice in writing of the medical officer, may order the discharge of any person detained in the asylum."

Sec. 77 (1).

Sec. 77 (2).

In the case of licensed houses licensed by justices—that is, not in the immediate jurisdiction of the Lunacy Commission—two Visitors, one being a medical practitioner, after two visits paid by them "at an interval of not less than seven days," if it appears to them that any patient is detained without sufficient cause, may, subject to certain stipulations, make "such order as they think fit for his discharge."

Sec. 78 (1) and (3).

A patient is also discharged to a relative or friend by any two members of the Visiting Committee, "if they think fit," upon the undertaking of the relative or friend that he "shall no longer be chargeable to any union, county, or borough, and shall be properly taken care of and prevented from doing injury to himself or others."

Sec. 79.

As to pauper lunatics, the Visiting Committee of an asylum may notify to a relieving officer or the clerk of the local authority liable for his maintenance their intention to discharge, while the guardians of the union to which a workhouse belongs may make an order of discharge of any lunatic detained therein.

Sec. 80.

Sec. 81.

665. The policy of these sections of the Act would seem to be that the patient should be returnable at the request of the person or authority which placed him under detention, unless, as is definitely required in the case of single patients and in the case of pauper lunatics in licensed houses or hospitals, he is on medical certification found to be "dangerous and unfit to be at large." But, in the case of county asylums or workhouses, there is no such express proviso. In the asylum the discharge is made "with the advice in writing of the medical officer," or in a house licensed by justices, subject to the opinion of the medical officer, "respecting the fitness of the patient to be discharged, if he tenders him-

Policy and suggestions as to discharge.

Lunacy Act, 1890, Sec. 74.

Lunacy Act, 1890, Sec. 78 (1) and (5).

Policy and suggestions as to discharge—*contd.*

self for examination" on that point. Further, the policy of the sections referred to is to throw on the local managers—the visitors of asylums and of houses licensed by justices—the duty of discharge, and not upon the Commissioners, whose duty rather it is to deal with cases "detained without sufficient cause," and not with discharge. Indeed, whereas formerly there was apprehension lest persons should be detained who ought not to be detained at all, now there is apprehension lest those who are detained should be discharged, when on public and personal grounds they ought somewhere and in some way to be retained under control and supervision.

Question of discharge in "unrecovered" cases.

666. The suggestion made to us is that the Commissioners should have power to prevent discharge in these cases. The pressure on the asylums is great, and, as we have shown in a previous chapter, the dilemma is serious. The "unrecovered" patient ought, no doubt, to be retained, and yet there is no sufficient accommodation for his retention.

Coupland, Vol. IV., 26783–26789.

Dr. Coupland, a Commissioner in Lunacy, said, referring to extreme cases:—

> "I think it would be well for the Commissioners to have power to retain such notorious people as that. The power would have to be carefully exercised on sufficient evidence. It would be better that they should do it then"—he refers to a plan suggested to him—"that the visiting committee should take the case before a magistrate, which might entail needless publicity. The Commissioners might act on the application of the superintendent. In any case the power if granted would affect a fair number. There have been about 25 per cent. of the patients who have been discharged who are returned to asylums. Not 25 per cent. within the year, but a good many within the year. Of these a large proportion are alcoholic cases."

Needham, Vol. IV., 26947.

Dr. Needham admitted the difficulty, but was doubtful as to the remedy suggested—the power of discharge in these cases being placed in the hands of the Commissioners.

Clouston, Vol. IV., 31028.

667. The methods adopted in Scotland were also suggested to us for application to England. These Dr. Clouston, Superintendent of the Royal Asylum, Edinburgh, described. He said:—

> "It might be interesting to the Commission to hear that in Scotland we have five kinds of discharges, one is—and that covers nine-tenths of all the cases—by the medical superintendent; he discharges, as it were, 'off his own bat'; when he thinks a patient has recovered he discharges him, he sets aside by that act of his the sheriff's order under which the patient is placed there. That is the chief thing. The second is in the case of an unrecovered pauper patient whose relative requires to go to the parish council, and he can get him discharged in that way; but the medical superintendent has a veto if the patient is dangerous. A third is that all private patients can be removed by their relatives, except that there also the medical superintendent has a veto if he gives notice to the procurator-fiscal. Then there is a mode of discharge which is not very well known, I think. Every patient in an institution in Scotland who is under certificate has the right to ask for an examination by two independent medical men. The Lunacy Commissioners must approve of the particular medical men; if the report is that the patient has sufficiently recovered, they do not require to say that he is recovered, but 'sufficiently recovered,' then they can order his discharge. The fifth mode is that the sheriff of the county, or the sheriff-substitute, can do the same thing, only the sheriff has no such power of selecting the doctors. Those are different methods of getting patients out of institutions. . . .

Clouston, Vol. IV., 31029.

> "The medical superintendent has no power to discharge an unrecovered pauper patient, and very properly, because that patient must be looked after by somebody else. It is doubtful whether he has a statutory power of discharging an unrecovered private patient unless he can certify that he has 'sufficiently recovered.'"

In Scotland, therefore, there is (1) discharge by the superintendent and not by the committee; (2) as in England, there is the retention of the "unrecovered" pauper patient whom his relatives wish to remove, but who is dangerous; and also, as in England, there is a similar power of detaining a private patient who is dangerous and unfit, but whom his friends would wish to remove; (3) in general, the superintendent discharges when he is of opinion that the inmate is recovered, and he does so without formal certificate.

Conclusions as to discharge.

668. We have, then, these courses: (1) the asylums committee to discharge or retain "unrecovered" cases; (2) the superintendent to have these powers; or (3) the Board of Control or some such authority to have these powers. Considered as a medical question solely, the superintendent and Medical Commissioner should have power to discharge or retain. But probably, from the point of view of a continuing interest in administration on the part of members

of visiting committees, it is best to adhere to the present practice in a somewhat modified form. The superintendent, we suggest, should report "unrecovered" cases as a definite class of patients to the committee, and if in his opinion, contrary to the judgment of the committee, these patients should not be discharged, he should have the right of reporting them to the Board of Control within a certain period with all necessary records, and the Board should then settle the question finally. Again, if the superintendent felt doubts as to his ability to give a continuing certificate in the case of a patient who had in the calming conditions of asylum life become apparently rational and tranquil, but whose history justified misgivings as to his ability to retain self-control in freedom, he should be empowered to submit full details of the case to the Board of Control, whose decision should be final. The visiting committee with the superintendent would thus be primarily responsible for discharge with a right of appeal to the Board of Control in difficult cases. Except when his advice as an experienced consultant is desired, the Commissioner on his visits would have no obligation to consider this class of cases specially in his visitation. A clear order or memorandum on the subject ought, we think, to be issued to asylums for their guidance in regard to it.

Conclusion as to discharge—*contd.*
Recommendation LVIII.

Recommendation LXII.

The Board of Control would not in ordinary cases exercise any power of discharge from institutions for the mentally defective, but, by the extension of the provisions of Sec. 206 of the Lunacy Act to all mentally defective persons, the powers therein, at present relating to "lunatics" only, would be applicable to the whole class.

Recommendation XII.

Under this section so extended, the Lord Chancellor or the Secretary for State might direct the Commissioner or any one else to visit any mentally defective, or alleged mentally defective, person and to inspect the place where he was detained and to report thereon.

It should, also, be borne in mind that though continued detention in an institution may not be necessary in all these cases, yet some care and control may be required, and the report of such cases by the medical superintendents to the Committee, and, in case of need, to the Board of Control, should ensure the exercise of the care and control which was needed for the particular case.

CHAPTER XXXIV.

The Extension of Asylum Accommodation.

669. We now pass to the position and duties of the Commission in regard to the approval of plans for building asylums. Statements as to their delay and their want of appreciation of the requirements and difficulties of local authorities have been made to us, and it has been urged that they have greatly increased the cost of building by insisting on unnecessary and vexatious additions, or, if large and pretentious plans have been submitted to them by local authorities, by neglecting to suggest cheaper material or more economic construction. On the contrary, they have, it is contended, fallen in with extravagant proposals, which have needlessly increased both the amount of the loans incurred by local authorities and the cost of maintenance. On the other hand it is pointed out, on behalf of the Lunacy Commissioners, that if such expenditure as this, is to be effectually reduced by them, they must receive more assistance, as, for instance, by the appointment of a permanent architect.

Urmson, Vol. IV., 26319.
Coupland, Vol. IV., 26775, *et seq.*

670. We will first submit an outline of the law in regard to the provision of asylums.

The law as to provision of asylums.
Lunacy Act, 1890, Secs. 238, 239, 240, 242–253.

The local authority in the Lunacy Act of 1890 is the council of every administrative county and county borough, respectively, constituted under the Local Government Act of 1888, and the councils of some thirty other boroughs named in the fourth schedule of the Act. This authority is required to "provide and maintain an asylum or asylums for the accommodation of pauper lunatics." If the local authority considers the accommodation insufficient, it may, under powers conferred by the Act, provide asylum accommodation or rebuild or enlarge any existing asylum. It may purchase for the purpose, any licensed or other houses or land. If the local authority is not a county or borough council it is allowed powers similar to the above under the 65th Section of the Local Government Act of 1888.

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The law as to provision of asylums—*contd.*

Other clauses of the Act permit of the establishment of asylums in combination with other councils, and of contracts made with the visiting committees of other councils, for the reception of pauper lunatics—subject to the approval of a Secretary of State. Further clauses deal with the procedure of a visiting committee of a county or borough council authorised to provide asylum accommodation.

Lunacy Act, 1890, Sec. 254 (1) & (2).

> "A visiting committee authorised to provide asylum accommodation may agree upon plans and estimates, and contract for the purchase of lands and buildings with or without fittings and furniture, and for the erection, restoration and furnishing of buildings, and for the supply of clothing, and for all the matters necessary for carrying into effect the authority conferred upon them. Plans and contracts agreed upon by a visiting committee shall not be carried into effect until approved by a Secretary of State. . . ."

Sec. 255.

> "The visiting committee of an asylum, with the consent of each local authority by whom the asylum is provided, and with the approval, in writing, of a Secretary of State, may make such alterations in, or additions to the asylum either by way of detached buildings or blocks of buildings or otherwise, as they think fit for the purpose of providing accommodation for private lunatics." Lastly, subject to certain financial checks, "the visiting committee of an asylum may, of their own authority, order all necessary and ordinary repairs. They may also, of their own authority, order all necessary and proper additions, alterations, and improvements which the asylum may require, to an amount not exceeding four hundred pounds in any one year."

Sec. 266 (1).

671. Thus, (1) The local authority has to provide asylums for the accommodation for pauper lunatics, subject to the approval of the Secretary of State, under Sec. 247 of the Lunacy Act, 1890; (2) The extension of this accommodation can only be undertaken of its own will; (3) If it provides asylum accommodation, it does so through the visiting committee; (4) If the visiting committee and the local authority agree to plans and contracts for the purchase of land and buildings and for the erection of buildings, etc., the plans and contracts have no validity till approved by a Secretary of State; (5) Subject again to the approval of a Secretary of State, they may build or alter buildings to receive private patients; and (6) They may undertake necessary and ordinary repairs up to £400 in the year "of their own authority," still subject, however, to the approval of the Secretary of State, but without reference to the local authority.

Sec. 247.

Sec. 272.

Further we have to add, (7) To obtain the approval of the Secretary of State, the local authority has to submit any agreements or contracts or plans with an estimate of the probable cost to the Commission, who "shall make such inquiries as they think fit and shall report thereon to the Secretary of State, who may approve the agreement, contract or plan with or without modification or may refuse his approval." Also, (8) If the local authority desire to borrow, they can do so only "with the consent of the Local Government Board and subject to the provisions of the Local Government Act of 1888 and the Municipal Corporations Act, 1882." The security for the loan is the county or borough fund and any revenue of the local authority or, either such fund or revenues, or any part of the revenues.

Sec. 274 (1).

Local Government Act, 1888, Sec. 69 (1) & (2).

Before giving their consent to a loan the Local Government Board "shall take into consideration any representation made by any ratepayer or owner of property rated to the county fund." On the other hand, if "the total debt of the county council, after deducting the amount of any sinking fund, exceeds, or, if the proposed loan is borrowed, will exceed, the amount of one-tenth of the annual rateable value of the rateable property in the county, ascertained according to the standard or basis for the county rate, the amount shall not be borrowed, except in pursuance of a provisional order made by the Local Government Board and confirmed by Parliament." Thus, (9) When the plans, etc., have been passed by the Commission and then approved by the Secretary of State, the approval of the Local Government Board is required—if a loan has to be raised—subject apparently to the two simple issues whether any of the ratepayers object and whether the total debt together with the proposed loan will exceed one-tenth of the rateable value of the county.

672. We now pass to the procedure of the four bodies concerned in the administration of these clauses of the Lunacy Act, the visiting committees, the Lunacy Commission, the Secretary of State and the Local Government Board.

The Visiting Committees and the provision of accommodation.

673. The visiting committees, from causes which we have mentioned, are, generally speaking, much pressed for accommodation. The number of lunatics who require provision in asylums is greatly on the increase. Between 1882 and 1905 the number chargeable has increased by 62 per cent., from 67,089 to 109,100. And, owing to the 4s. grant, and other reasons, the number of certified lunatics of all kinds sent from the workhouses to asylums has been very large. The indoor relief of the Poor Law, which otherwise would have had to suffice for a great part of this lunacy, has increased. In the same period, the number of indoor paupers has risen from 189,697 to 259,346, or 37 per cent. The accommodation for the harmless and chronic insane in most workhouses is of a simple and inexpensive description, if compared with that usually provided in asylums. These "imbeciles and chronic lunatics who, being harmless, could suitably be treated in suitable workhouse wards, or in any similar institution," amount to about 37·45 per cent. in some asylums. Hence more than a third of the asylum patients, it may be argued, at least in some districts, might be provided for at a comparatively small cost, but once admitted to an asylum, there is no place to which they can be sent. Licensed houses, by the policy of legislation, are reduced in number, and they provide for very few pauper lunatics. Boarding-out, to which the authorities in Scotland and on the Continent have turned for relief when the accommodation in asylums proves insufficient, is not available in England and Wales under present circumstances. Hence there is an *impasse*, the trouble and inconvenience of which chiefly affects the visiting committees.

Davy, Vol. IV., p. 349, c. 1.

Local Government Board Report, 1905–1906, p. 561.

Local Government Board Report, 1905–1906, p. 562.

Return, Denbigh Asylum, Vol. IV., p. 431.

The financial pressure on local authorities.

674. The pressure of the large financial obligations incurred by local authorities, chiefly during the past five-and-twenty years, aggravates the difficulty of providing accommodation. The rate of interest charged by the Public Works Loan Commissioners has been low. In August, 1897, it stood for loans repayable in thirty years at 2¾ per cent., the minimum interest allowed by Public Works Loan Act, 1897; on 3rd March, 1904, it stood at 3¾ per cent. Cheap money has encouraged expenditure, and in sanitary administration, to take that as an instance, after 1897, when public authorities borrowed £5,886,562, the demand for loans rose rapidly to £13,000,000 in 1901, and continued as high as £11,000,000, and was over £10,000,000 in 1904. Then, in 1905, the loans dropped to £6,386,074. The local indebtedness of the country between 1875 and 1904 increased by 324 per cent., and the average rate rose between 1879 and 1904 from 3s. 3½d. in the £ to 5s. 9½d. in the £, or·77 per cent. The rateable value increased from £119,079,589 in 1875 to £199,355,590 in 1904, or only 67·41. During the latter part of this period, between 1885 and 1904, the debt under the Lunacy Acts increased from £3,326,396 to £9,446,986, an increase of 184 per cent. in nineteen years. Hence, on financial grounds, there is very naturally a great disinclination to launch out in new expenditure. On the other hand, it is obvious that, in the endeavour to meet the great increase in the demand for accommodation, a very considerable increase in indebtedness was inevitable. Chargeable lunatics mostly accommodated in asylums could not increase at the rate of 62 per cent. in the twenty-three years, 1882 to 1905, without that result; and the statement submitted to us by Mr. Kershaw, Assistant Secretary to the Local Government Board, of the borrowing powers and indebtedness of counties proves it. In some cases, the percentage of the asylum debt to the total debt (excluding the education debt) amounts to over 70 and 80 per cent. and runs up even as high as 95·23 in the case of Norfolk, and 98·00 in the case of Hereford; while in Rutland, Kesteven, East Suffolk and Radnor the whole margin available is absorbed. But the point on which special stress is laid is that this indebtedness is excessive by comparison with the indebtedness incurred in the same period by the Poor Law. This hardly seems to us to be the case. Accepting generally the criticism that there might and should have been much more economy in the building and extension of asylums, we think that, if a great part of the demand had not been met under the lunacy account of the nation, it would have had to be met under the poor relief account, which to that extent would have had to borrow largely for the purpose; and next, allowing that expensive asylum accommodation is in present circumstances necessarily used to the extent of some 33 per cent. for harmless and chronic patients who do not require it, we think that the buildings that have to be erected in Poor Law administration are, except in the case of infirmaries, for obvious reasons less expensive than asylum buildings. The asylums are in a great measure hospitals, built always subject to an additional

Public Works Loan Act, 1897, Sec. 1.

Local Government Board Annual Report, 1905–1906, p. ccxiii.

Kershaw, Vol. IV., p. 275.

Local Government Board, Annual Report, 1905–1906, p. xlii.

Kershaw, Vol. IV., 32034. 32036. 32035.

Kershaw, Vol. IV., p. 433.

Davy, Vol. IV p. 350.

The financial pressure on local authorities —*contd.*

expense which has to be incurred for the purchase of the land which is required for purposes of employment and recreation, and also for possible extension in the future. To most Poor Law buildings, these conditions do not apply. Hence, in the circumstances we do not attach so much weight to the comparison between loans for Poor Law purposes and loans for lunacy purposes, especially as calculated at so much loan expenditure per head. For the number of indoor paupers is large—259,909 in 1903–4—and the number of lunatics comparatively few—only 84,549. For 36 per cent. of the lunatics, it must be remembered, new provision had to be made during the period 1889–90 to 1903–4. But for only 22 per cent. of the indoor paupers was extra or new provision required.

General disregard of economy and want of financial control.

675. But after all, these figures and the circumstances which we have mentioned are only additional reasons for economy now. However unwilling the local authorities, in some cases, may have been to embark on asylum construction, when the work was once taken in hand, undoubtedly they spent at a high rate; and on the part of the supervising authorities there has been, at least, a disinclination to prevent excessive expenditure. The evidence on this point is abundant. The municipalities are very powerful and able to spend large sums of money. Sir John Batty Tuke admitted: "They build one against the other." Mr. Brooks, Chairman of the Brookwood Asylums Committee of the Surrey County Council, said—"I believe myself that, given a free hand, efficient asylums could be built at much less cost than modern asylums, but the wards would have to be designed of the most economical size to construct, as well as to administer, and every building and fitting would have to be of the very simplest and most inexpensive character."

Tuke, Vol. IV., 28846.
Brooks, Vol. IV., 31132.
Hodgson, Vol. IV., p. 261, c. 1.
See also Paragraph 698 below.

Then, referring to a particular case, he said, "Teak used for flooring will cost over £4,000. Other flooring could have been used and have saved at least half the money"; and, admitting that this was not due to the action of the Commission, he proceeded—"I admit that, but this is the tendency in modern asylums. Then there is the extravagant cost in the day room, pitch pine dados 4 feet high . . . I hear very often that it is the wish of the Commissioners that this expensive work should be put an end to. They advocate more inexpensive though efficient construction, but I can never see where it is enforced. It is a crying evil."

Brooks, Vol. IV., 31135, 31136.

676. Turning to the controlling authorities, in regard to the Lunacy Commission, Mr. Giffard, a Commissioner in Lunacy, said:—

> "I think the view generally, not only of the Commissioners, but—I speak in the presence of Mr. Byrne—I believe also the view of the Home Office at one time was that we were not concerned with cutting down expenditure: that was supposed to be a matter for the local authority. I think of recent years the view has properly obtained that we ought to control expenditure in some way if possible."

Giffard, Vol. IV., 27193.

He was then asked:—

> "One hon. member said, amongst his complaints of the Lunacy Commissioners, that 'in a Yorkshire district they had been obliged to provide farm buildings and land in connection with the asylum, costing in one case £600; they had erected two greenhouses costing £2,800, and he had noticed a considerable item for canaries and cages and actually three guineas for a bassoon.' Could that kind of thing be checked?"

27194

His reply was:—

> "It could be, but I do not think it is desirable. If you were to walk through a ward and see it decorated with flowers and other objects calculated to make the patients happy, you would see that the quietness of the patients is due in a great measure to that."

This reply marks a different point of view to that of the ratepayer and the critic.

677. But the whole character of financial control seems to have been enfeebled during the period with which we are concerned. Mr. Hine, the consulting architect of the Lunacy Commission, admitted that an officer who gave his whole time to the work, and thus acquired a better position and greater authority than an architect who was only employed from time to time, would not have approved such a plan as that of the Napsbury Asylum, where the recreation hall in the hospital block was a waste of many thousand pounds. He said also, speaking generally of his work, "I do not think the subject of economy

Hine, Vol. IV., 32943–32948.

Hine, Vol. IV., 32749.

Hine, Vol. IV., 32756.

is a very old one; it is only within the last decade that we have heard very much of the excessive cost of public buildings—" and only " latterly had the strictures on extravagance " on the part of local authorities " been more frequent." To him the Commissioners sent the plans, estimates and specifications which they received, but he did not, as a rule, look into the detailed specifications, as he had not time to do so. Specifications were only examined when the cost seemed excessive. In the suggestions of the Commission with reference to sites and buildings issued in 1887, there had been a warning to local authorities that " superfluous decoration " should be avoided, but the idea of economy as a prominent idea was of comparatively recent growth, a few years' growth, both as affecting the Lunacy Commission and generally as affecting central authorities. The absence of financial check at the Home Office in the past was also admitted; and as to the Local Government Board, Mr. Kershaw showed that it was not until 1900 that the architect of the Board largely reduced the expenditure authorised by them for Poor Law buildings and sites. Mr. Davy, Chief General Inspector and Assistant Secretary to the Local Government Board, confirming Mr. Kershaw's statement, said that in 1890 the Board :—

General disregard of economy and want of financial control—*contd.*

Hine, Vol. IV., 32832, 32837, 32838.

Hine, Vol. IV., 32845.

Kershaw, Vol. IV., 32214, 32279, 32312, 32313.

Cunynghame, Vol. IV., p. 321, c. 2.

> " Authorised buildings for Poor Law purposes to cost £530,000, and in 1900 the cost ran up to £2,600,000, ... The cost of building has dropped from £2,600,000, and last year (1906) the cost fell to £789,000. This year I do not know what it will be, but I have traced £135,000 taxed off, so to speak, and probably there will be another £50,000 due to sheer refusals to build. So I should not suppose that this year we shall be over, say, £600,000. We are not, as sanctioners of loans for Poor Law buildings, doing a quarter of the business which we used to do."

Davy, Vol. IV., 33944.

It may be concluded from this evidence that now at least there is a general desire for economy. It is the order of the day. The straitened finanical conditions of the present and the excessive expenditure of the past necessitate it. It is on these terms, therefore, that we have to consider the statutory requirements of the Lunacy Act in their application to the question.

Clare, Vol. IV., p. 341, c. 1.

678. First, then, plans, estimates and specifications are sent to the Lunacy Commission. Their architect is a busy man, engaged on many other professional duties, and often himself the architect for local authorities in building asylums which the Commission have passed. It is admitted that an independent architect would have ample time at his disposal, and from the official point of view a stronger and more influential position. The Lunacy Commission examine every plan critically, but they are working at excessive pressure, for as Mr. Giffard says, " it is getting to a point when we can no longer go on doing the work adequately if any one of us gets temporarily ill "; and they require " a paid architect whose duty it would be to look into specifications and check expenditure." They have no power to hold local inquiries, and at present they would not have time to do so. Nor do they confer personally with the Visiting Committees on the spot. It must be admitted, therefore, that as a guide to the Secretary of State under Section 272 of the Lunacy Act, 1890, in spite of both competence and will on their part, the Commissioners, as now staffed, can hardly fulfil their obligations.

The actual procedure in regard to sites, plans, etc.

Hine, Vol. IV., 32943-32946, 32650.

Giffard, Vol. IV., 27242, 27341, 27342, 27344,

27343.

We come then to the Local Government Board. It would seem that in 1892 in connection with an application for a loan from a local authority the question was raised whether the Board, when the plans had been approved by the Home Office, should raise a question as to the cost of the building. After careful consideration it was decided that they ought not to do so; and this, it would seem, is the necessary interpretation of Section 274 of the Act and of the sections referred to in the Local Government Act of 1888 and the Municipal Corporation Act, 1882, which are quoted above. Yet the Lunacy Commission is essentially an exceptional and supplemental body created for several distinct purposes, and in some directions it is almost necessarily dependent on the co-operation of other branches of the Government service. It has no staff of architects, sanitary officers, and engineers: and there can be no question of multiplying officials unnecessarily merely to provide it with such a staff. Nor have the Home Office any such staff at their disposal. Nevertheless, the Local Government Board, who have at their disposal such a staff, provided for other purposes, do not, and apparently cannot, communicate with either body in regard to items which they think extravagant; and for neither body is their staff made available. It is quite clear, therefore, that for the assertion of proper and sufficient financial control a thorough change is necessary.

Kershaw, Vol. IV., 32316, 32311, 32027, 32031.

Davy, Vol. IV., 34127.

Kershaw, Vol. IV., 32027.

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Changes of procedure in regard to sites, plans, etc.

Davy, Vol. IV., 33930. 34037. Recommendations XXVIII., XXX., XLII. Clare, Vol. IV., p. 341, c. 1.

679. We have adopted the principle that there shall be one authority responsible for the protection and supervision of the mentally defective, wherever they may be, if they are notified to the Board of Control and are considered to require their care. On this plan there would be no "pauper" lunatics. Lunacy and pauperism would be separated. The local authorities associated with the Board would be the committees of the county and county borough councils for the care of the mentally defective. All mentally defective persons would come under their care locally; and they would have power to provide and to contract for the maintenance of the mentally defective in workhouses or in any other institutions which they thought suitable, subject to the approval of the Board. They would, we suggest, have power to build or enlarge buildings for mentally defective persons. Both upon the Board and upon the committees much larger responsibilities would be placed. Besides the charge of the present "certified" insane they would have the care of the mentally defective at present non-certifiable. This change, which will separate the administration of mentally defective persons entirely from that of the Poor Law—so that, for instance, mentally defective persons would no longer be maintained by the poor rate but by the county rate—would involve a much closer supervision of sites, buildings, plans, estimates, and specifications than any that exists at present. The economy which it would seem possible to secure by better classification and by special provision for the harmless and chronic insane would also require constant attention; and a closer and, in some ways, a more personal relation would have to be formed between the Board and the local authorities. For these reasons it is, in our opinion, indispensable that in regard to building and finance there should be a good working arrangement between the Board of Control, the Home Office and the Local Government Board in carrying out the duty of providing for the mentally defective. Many new schemes and proposals will have to be considered. There will be a change and an expansion of the work both of the central and of the local authorities. The Lunacy Commission which would deal with all mentally defective persons, and not with "lunatics" merely, would become the "Board of Control," and the local authorities would act through "Committees for the care of the mentally defective."

Clare, Vol. IV., 33663.

680. The financial arrangements of the future must, we think, be consistent with the enforcement of these large and material changes. We are not agreed, however, on the question as to the extent to which, or the mode in which, the discretion of the Board of Control in the matter of the approval of sites and plans should be subjected to the control and consent of the Secretary of State or of the Local Government Board or both; but a majority of us recommend that the reorganisation of financial control should be carried out in the manner suggested below, and nearly all of us consider that some such arrangement, with any modifications which Departmental experience may suggest for the purpose of expediting decisions upon the proposals which are submitted by local authorities, ought to obviate the difficulties which have been described to us as arising from the existing practice and ought in future to secure due economy in the provision of accommodation for the mentally defective. Accordingly we suggest a reorganisation of financial control on the following lines:—

Recommendation XLIII.

(1) That an architect be appointed to assist the Board of Control by examining and reporting on plans, contracts, particulars and specifications submitted by local authorities to the Board and in other ways, and that such architect receive a fixed salary, on the understanding that he is exclusively employed on the work of his department.

Recommendation XLIV. (1).

(2) That the staff at the offices of the Local Government Board for surveying, engineering, building and sanitation be available for the Board of Control in regard to sites, plans, particulars, specifications and estimates for the provision of accommodation for mentally defective persons, and that in cases of applications involving loans the Board of Control be under obligation to apply for such assistance.

Recommendation XLV.

(3) That the Board of Control have power to hold a public local inquiry in regard to any plan, scheme, or proposal which has been submitted to them for the care of mentally defective persons.

Recommendation XLIV. (2).

(4) That a local authority proposing to establish, alter, restore or enlarge buildings, or to purchase or lease any estate or house, for the accommodation of mentally defective persons, shall send to the Board of Control all necessary plans and particulars with estimates; That the Board of Control on receiving these plans, particulars and estimates, give them a preliminary consideration and, with the advice of their

architect, decide from their expert point of view, whether they are *prima facie* suitable for the purpose intended and involve no unreasonable expenditure; That the Board of Control should next transmit them to the Local Government Board for report in regard to all questions as they arise connected with the survey of land, engineering, building and sanitation, for consideration and report in regard to the proposed cost, and for their opinion as to whether a loan to meet this cost would fall within the conditions of the Local Government Act of 1888, and the Municipal Corporations Act, 1882, and whether, subject to public inquiry, they are prepared to sanction the loan; That on the receipt of the report of the Local Government Board, and of the information above mentioned, the whole matter be further considered by the Secretary of State, the Board of Control, and the representative of the Local Government Board, and, if desired, by representatives of the local authority.

Changes of procedure in regard to sites and plans—*contd.*

Recommendation XLIV., (4), (5), (6), (7), (8).

(5) That it be laid down clearly in the Act that plans, etc., shall not be approved which involve unreasonable expenditure.

(6) That hereafter the approval of the plans, etc., be notified to the local authority by the Secretary of State, and the local authority then apply to the Local Government Board for a loan.

(7) That the Secretary of State, on the report of the Board of Control, shall have power to prohibit the use of any parts of buildings for purposes other than those which were approved by him, or which shall be deemed insanitary or unsuitable.

681. We believe that, by some such method as that recommended, the four authorities now concerned in this branch of the work of the Commission, viz., the local authority, the Commission, the Home Office and the Local Government Board, would be brought into association and agreement before a loan was asked. And this administrative concentration appears to us to be a necessary outcome of the Local Government Act of 1888, which with the power to grant or refuse loans has virtually given to the Local Government Board an indirect and incidental control over local finance generally. At the time of the earlier administration of lunacy, the Home Office was the only central Department of State concerned with local affairs. Recent legislation has thrown the supervision of local government generally on the Local Government Board; and in reorganising the work of the Commission it seems to us necessary to accept the consequences of this change and to make recommendations in harmony with it. Under our recommendations we believe that much needless friction would be avoided and much disappointment prevented, as, for instance, when the intermediate Commission—the Lunacy Commission—approves the plans of a local authority and higher authorities eventually disapprove of them or of some of the conditions under which the loan is asked.

Davy, Vol. IV., 34150–34155.

Clare, Vol. IV., 33665.

Brooks, Vol. IV., 31132 and p. 230.

682. We have not in this discussion mentioned particular instances in which the cost of institutions per bed has been excessive. It is extremely difficult to deal fairly with evidence of this kind. In most cases, particular reasons may be assigned for the excess, and, in the comparison of the cost of different institutions, there is much that is misleading. The cost of site, of drainage, lighting, or furniture, may or may not be included. In the older institutions, the charges for the site and for the buildings may have been wholly or in part paid off, may no longer appear in the accounts, and may thus be omitted from the statement. In new buildings, the cost may seem excessive, because the administrative block is built on a large scale for an establishment that is incomplete and would be sufficient for a much larger number of resident patients than can be housed in the existing accommodation. Yet, it is but right to say that the impression left on our minds by the evidence is that in many instances the scale of expenditure has been too large; that there has been a general disregard for small economies and careful spending; that little thought has been given to what, after all, must be a chief factor in any provision made by the State, namely, the social status and normal requirements of the patients; that persons may be well cared for as patients, and yet need not be maintained under conditions altogether superior to those to which they are accustomed; and finally, that there has been no recognition of any definite and accepted standard of expenditure to which authorities should be required to adhere, and

*Heavy cost per bed of existing institutions.

Suggestions and Instructions issued by the Lunacy Commissioners, Needham, Vol. IV., p. 413.

* In the Report of Members of the Commission on their visit to America, issued simultaneously in a separate volume (Vol. VII.), will be found useful notes on methods of financial supervision there adopted, and the cost of institutions.

Heavy cost per bed of existing institutions—*contd.*
Appendix, Vol. V., pp. 311 to end.
Vol. II., p. 69.
Vol. II., p. 452
Baker, Vol. II., 15244–15269.
Vol. II., p. 605.
Vol. II., p. 614.
Gardner, Vol. III., 23270–1, pp 337 346.
See Paragraphs 697–704.

for non-adherence to which they should be obliged to give cogent and satisfactory reasons. The material for such a method of standardising is available. In many instances, the establishment of an institution for the care of the mentally defective should not, we think, entail an expenditure of more than £100 a bed, site and drainage included, especially if regard is paid to the normal requirements of patients in the class of life from which they come. Under certain conditions it should be much less. For asylum accommodation for patients who require active treatment it should not, we think, exceed £200 or £220 a bed. We name these sums, however, not as settled standards of expenditure but as illustrating the position which, in our judgment, supervising and spending authorities should adopt. In the appendix volume and elsewhere will be found some plans of suitable buildings erected at the sums we have suggested.

CHAPTER XXXV.

Intermediate Hospitals, Family Colonies and Guardianship, Farm Colonies, and Observation Wards.

Recommendation XXXIV.

683. How to provide for chronic and harmless patients otherwise than in asylums, and to set free the accommodation in asylums for the more acute cases which require active treatment, is our next question. There are four methods: (1) To build separate "intermediate" or "workhouse" hospitals, or to build separate and cheaper buildings on the site of existing asylums; (2) to settle suitable patients in family colonies, in cottages or small buildings in connection with some central organisation formed for the care of mentally defective persons; (3) to board them out; (4) to place them in large farm colonies; or lastly, to return them to the workhouses.

We have then to consider (5) the probable cost of the Colony system; (6) the establishment of Observation and Reception Wards; (7) the method of what is called the "temporary certificate"; and (8) the promotion of scientific investigation.

The suggested return of mentally defective cases to the workhouses.
Davy, Vol. IV., 33859.

684. We will at once set aside the last of the proposals made for the provision of chronic and harmless patients; namely, to return them to the workhouse. The Local Government Board have accepted the policy, with which we are in entire agreement, that "instead of increasing the number of lunatics in workhouses, it is desirable in the interests of the poor who through poverty are obliged to have recourse to the workhouse, that the workhouses, should, as far as circumstances reasonably admit, cease to be asylums for lunatics. . . . The required accommodation can be much more economically provided by the county councils in additional asylums to be appropriated solely for chronic and harmless cases, the building and the arrangements generally being of a much less expensive character than those founded primarily for acute cases and curative treatment." To the category of cases to be excluded from the workhouses, we would add the cases of mentally defective persons now uncertifiable for whom care and treatment also are required. We would not, therefore, reverse the policy of removal from the workhouse, but accept and promote it.

These remarks, of course, do not apply to proposals as to the use, under contract between the Committee and the Poor Law authorities, of any infirmary or other building forming an entirely separate portion of a workhouse, and deemed suitable and licensed by the Board of Control for the detention of the mentally infirm, or other class of defectives, and reserved exclusively for that purpose. Such arrangements will no doubt be necessary for some time to come in certain localities pending the more suitable provision to be made by the Committees.

(1) *Intermediate Hospitals.*

"Intermediate" Hospitals or Homes.
Davy, Vol IV., 34030. 34005.

685. If this proposal then be set aside, there remains, first, the suggestion to build "intermediate" or "workhouse" hospitals. The suggestion has the support of the Select Committee of the House of Commons on the Cottage Homes Bill, 1899, and it has already been in some measure adopted. Dr. Pasmore, Superintendent of the Croydon Mental Hospital, thought that all lunatics should be removed from workhouses:—

Pasmore, Vol. IV., 32470, cf. 32475.

> "They do not seem to get that supervision at the workhouses that they get at the lunatic asylums, and it is often observed in cases which are admitted to the lunatic asylum from workhouses that there are evidences of bruising of patients which you never see in lunatic asylums, or very rarely, and means of treatment are adopted at workhouses which are obsolete in the treatment of the insane."

But, he agreed, that it might be possible to collect them in certain suitable workhouses or workhouse asylums and to house them there. Senile dements at least might be so dealt with. And Mr. Davy, Chief General Inspector and Assistant Secretary to the Local Government Board, asked whether he thought the new infirmary buildings at Exeter were suitable for the chronic class, said :— "Intermediate" Hospitals or Homes–*contd.* Appendix, Vol. V., p. 312. Davy, Vol. IV., 34058.

> "You must remember that most of the imbeciles in workhouses are people who have been agricultural labourers or day labourers with a very low standard of comfort. They go into the workhouse, are kept clean and kept warm and well fed, and if they are not offensive to their neighbours they probably have as good a time as they ever had in their lives."

All, indeed, are agreed on the question of making cheaper provision for the chronic harmless patient; but experience shows that it should not be an entirely separate provision. Dr. Hodgson, Chairman of the County Asylum, Chester, and Mr. Clare, Clerk to the Lancashire Asylums Board, sum up the evidence on this point. Dr. Hodgson says :—

> "I hold a very strong view that chronic lunatics, harmless people, are of very great value in the ordinary asylum amongst the other patients; they are a steadying influence, they do not vary much, and their steadying influence is of very great value. On the other hand, it is extremely undesirable that any places for the incurable, mentally, should be erected where it might be practically morally inscribed over the door: 'Abandon hope all ye who enter here.' That kind of building, I think, is not desirable; I think it would be a great mistake to remove the helpful influence of the chronic from an ordinary asylum; it would be an awful thing for the medical staff to have a hopeless set of people to take supervision of, and I am not in favour of the erection of large and substantial buildings for hopelessly incurable people of that sort." Hodgson, Vol. IV., 31955.

Mr. Clare says :—

> "The point there is really this: whether we shall take the lunatics to the workhouse or bring practically the workhouse on the asylum site. I think the better opinion is at present, subject to further experience, that it would be better to bring what I call the workhouse administration on to the asylum site than to transfer the lunatics on a large scale to the workhouses, because it often happens, I am told by the superintendents, that cases which are considered to be chronic and harmless break out into dangerous lunacy; then they sometimes have to be transferred back from the workhouse to the asylum at considerable trouble and expense, whereas if they were treated in some building on the site of the asylum, they could be very easily transferred a few hundred yards from that building to a building where they could be specially treated having regard to their condition." Clare, Vol. IV., 33648. Cf. also 33702, 33703.

And there is one other reason. In the present pressure for accommodation, an institution built for chronic cases is soon utilised for acute patients and then filled with them. Banstead was established originally for chronic patients; it is now a general asylum. The same thing occurred at Winwick in Lancashire. It was built as a cheaper asylum for these patients. But "they [the asylum authorities] convert them all in time, the pressure of new cases is too great." In spite, then, of the difficulty, to which Dr. Spence, the Medical Superintendent of the Staffordshire County Asylum, refers, of having "in one establishment two classes of patients, the ordinary workhouse inmates and persons afflicted with mental enfeeblement," it would seem best in association with asylums to erect for chronic patients cheaper buildings or simple inexpensive homes. Urmson, Vol. IV., 26712. Spence, Vol. IV., 31754, 31756. Pennant, Vol. IV., 31934.

With this view we agree, on the understanding that by the terms of the certificate of the Board of Control such buildings shall be retained, as long as may seem desirable, solely for the use of this class of patient. Otherwise, in the erection of buildings of this type no remedy will be found for the present pressure.

We understand that it is alleged that there are in some districts workhouses, no longer required for strictly Poor Law purposes, which from their situation, construction, and the area of land which they possess, might, with advantage, be used as such auxiliary asylums, and might be handed over, on suitable terms, to the Committee for such use. We have not ourselves inspected any such institutions; but if they exist, we see no objection to the proposed conversion, subject, of course, to the Board of Control being satisfied of their suitability for the detention of some class of the mentally defective and to their entire disuse for other purposes, and to the consent of the Local Government Board. Davy, Vol. IV., 33859.

(2) *Family Colonies.*

686. But another, and less expensive, provision may be made for these cases, on the method of "family care" or "guardianship." The additional wards may cost £120 a bed, with maintenance at from 7s. to 9s. 2d. a week. And of building, there seems to be no end; for, that the £120 would be accepted as a maximum for a building for such a purpose is doubtful, unless the whole administration of mentally defective persons be conducted with a strong hand and with Family guardianship. Clare, Vol. IV., 33701–33703.

Family guardianship—*contd.*
Clare, Vol. IV., 33710.
Vol. IV., 33710.

a vigour and control that is not at present applied to it. In reference to this estimated cost and to the subject generally, Mr. Clare, the clerk to the Lancashire Asylums Board, said :—"I should not like to commit myself to any figures, because one sees the variation in the cost of asylums recently built; there is only one thing that seems invariable, namely, an increase in cost as time goes on, largely owing, of course to the increased cost of wages and material, and partly to carrying out the latest scientific ideas, or philanthropic ideas, for dealing with pauper lunatics, without any evidence really to show that the increased expenditure has benefited lunacy; in fact, as far as I can see, all the expenditure during the last twenty years on lunacy has not been any benefit to lunatics. I will not say it has done any harm, but there has been no substantial benefit derived."

Even if this be approximately true, an alternative method of dealing with that class without incurring a large initial expenditure, and, at least at no higher rate of maintenance than that at present in force—say, as in Scotland, 7s. a week, is worthy of careful consideration at the present time.

Boarding-out of children.

Mason, Vol. I., p. 107, c. 1, 1994.

Evans, Vol. I., p. 145, c. 2.

687. Boarding-out as practised in England and Wales is available for children only: its aim is to supply family homes for orphan and deserted children; it is organised in connection with local boarding-out committees, and if it be "outside the union" it is under the direct inspection of the lady inspectors of the Local Government Board. As a rule, judging from the evidence we have received from Miss Mason and Miss Evans, the inspectors, we do not think that, as at present conducted, it is to be recommended as a method applicable to the care of mentally defective children and young persons. For these children, other safeguards besides those required for healthy, sound children would naturally be desired, together with closer and more constant medical supervision and provision for the special education and training which their condition demands.

Outdoor relief of mentally defective children and adults as a form of boarding out.
Sixty-first Report Commissioners in Lunacy (1907), p. 2.

688. Apart from boarding-out, strictly so-called, there is a kind of boarding-out connected with the administration of outdoor relief. Both mentally defective children and adults are so boarded-out, to the number of 5,595. Judging from our own visits and from the evidence of Dr. Cunyngham Brown, Deputy Medical Officer of His Majesty's Prison, Parkhurst, who had made a special investigation into these cases, and from the reports of our medical investigators, we think, as we have said before, that there is urgent need that these cases should be visited regularly by the Commissioners of the Board of Control and by the officers of the local committees for the care of mentally defective persons, the bodies who would be directly responsible both for their supervision, and, so far as need be, for their maintenance, if our recommendations are adopted.

As an indication of the present state of things we quote sentences from Dr. Cunyngham Brown's evidence.

Cunyngham Brown, Vol. I., p. 524, c. 1,

> "The care of the patients is entrusted in nearly all cases to their natural guardians or relatives . . . . Out of 215 cases, of which I have careful notes, the guardianship was obviously bad in sixty-five, doubtful in twenty-seven, and in ninety-eight satisfactory. In a considerable number of cases I found pauper lunatics living under the care of relations, parents, or others who were distinctly of weak mind, and most of the Parochial Medical Officers with whom I spoke knew of cases of this kind. In one case in which the patient, an imbecile lad aged twenty, slept in the same bed with his sister aged eighteen, the mother was certainly weak-minded. In another case, in an adjoining town, one imbecile girl, who had however only been six months on the list, had an idiot child and was living under very bad guardianship."

Then follow two other extremely bad cases; and lastly, this one, and the conclusion.

Cunyngham Brown, Vol. I., p. 524, c. 1.

> "In another town two sisters, aged twenty and thirty, cases of congenital but not profound imbecility, were leading lives of prostitution. It is difficult to write of these things, but cases of this kind, and the conditions from which they must inevitably arise, are so frequently encountered that they constitute an evil which must be recognised and should be instantly remedied. In a very large proportion of cases the accommodation was bad. Out of 183 cases, serious overcrowding was present in fifty-three, or 28·9 per cent.; twenty-eight were lodgers and living in one room, and in 102 cases no overcrowding was present. In very few cases had the patients their own bed-rooms. The rooms in which the patients live were clean and comfortable in 55·5 per cent., fairly clean in 13 per cent., very dirty in 31·5 per cent. and in 68 per cent. of these latter absolutely filthy. The apparent dirt and state of neglect in which some of these

patients live is indescribable. I have found patients sleeping on beds made of straw, in sacks, on rags, on broken down camp-beds, and in many cases adult patients sleeping in the same room with other adult inmates of the opposite sex. In many other cases, however, I found the patients living in clean and comfortable rooms, well clothed and tended.

"I am unable to speak of the patients' diet, for though I called at many houses at the ordinary meal times I only rarely found them at meals. Probably this is due to the fact that in many houses of this class there are no set hours for meals. I was informed, however, by many of the senile class that their staple food was bread and dripping and tea, and in the case of single patients living alone it is difficult to see how they could afford much more out of the sums allowed to them by the boards of guardians.

"The sums paid by the board of guardians to the patients or their guardians range from 1s. 6d. to 7s. I have only, however, found one patient receiving the latter sum, and the average sum paid in the cases I visited is 3s. not including those cases in which the patients receive medical relief solely. These sums are, of course, utterly inadequate for the proper care and maintenance of the patients. It is true, however, that about one half of these cases are mild dements or high grade imbeciles who are not unable to earn small sums, as a rule very small sums, to add to the aid given by the guardians. In the case of the other half, the care of these patients presses with undue severity upon their guardians. This system is probably the cheapest, as it is almost certainly the worst form, of family care of the insane in any civilised country."

Outdoor relief of mentally defective children and adults as a form of boarding out —*contd.* Cunyngham Brown, Vol. I., p. 524, c. 1.

Some of us visited the mentally defective "outdoor relief" cases in London and Cardiff and, from our personal investigations in these places, we are convinced as to the need of much more stringent supervision and control than, unhappily, exists at present.

689. Instead of outdoor relief, or boarding-out as generally understood, Dr. Cunyngham Brown advocated the adoption of the system of family care under special conditions applicable to England, but on general lines which are now widely approved and accepted in Holland, Belgium, Germany, France and Scotland. We have ourselves examined the method as it is in force in these countries, and by the application of it to England we think that a considerable advance may be made in the care of mentally defective patients and especially in the maintenance of harmless patients of unsound mind and the feeble-minded. We will not here describe the various plans in any detail. Descriptions of them will be found in the volume of Appendices, pp. 264–275, and in the evidence of Dr. Cunyngham Brown. We will only refer to two kinds of family care, that organised in relation to a colony and to the residents in the immediate vicinity, and the method of family guardianship, as it is now in operation in Scotland.

Boarding-out, family care or guardianship for adults on the lines of the Family Colony. Cunyngham Brown, Vol. I., p. 519, c. 1. Eichholz, Vol. I., p. 209. c. 1. Cunyngham Brown, Vol. I., pp. 519–526.

"By the family care is understood the lodging of a suitable patient for adequate compensation in an appropriate family which places itself voluntarily at the service of the asylum and its doctors." "The patients after being placed in a family still belong to the asylum, and are still under the care and supervision of the director as well as that of the specially appointed doctors and overseers, and they may at any time be taken back into the asylum."

Cunyngham Brown, Vol. I., p. 525, c. 1.

690. One instance of this method of treatment is that provided at Gheel, a village of about 11,000 inhabitants, situated some twenty-five miles from Antwerp, which some of us visited in May, 1905. The patients, who number about 2,000, live mostly as boarders at houses in the village, or in small farms or other houses in the surrounding district. There is also a central asylum, accommodating a few patients for whom institutional care is necessary. There is a medical director assisted by five assistant physicians, and a special pathologist for scientific work. There are also several lay inspectors, who visit every house in their respective districts once a week.

Gheel Asylum and Village Colony.

All pauper patients are received first in the central establishment and thence are drafted to the care of their "hosts." If a patient shows dangerous tendencies the law requires that he should be sent to an asylum. Patients requiring continuous restraint, suicidal cases, homicidal cases, those likely to commit acts of indecency, etc., are not eligible for admission under the "Gheel" system.

The patients appeared to be treated, in most instances, as "one of the family" of their hosts.

The charge which was made for their care and maintenance varied from 8d. to 11d. a day, of which 2d. a day was deducted for administrative expenses, the "host" receiving therefore from 6d. to 9d. a day for each case. Private patients were also taken at charges varying from £16 to £150 per annum. As a rule, only one patient was allowed in each house, but where there were two, each was provided with a separate room; and there were stringent regulations as to the size of rooms, bedding and clothing and cleanliness.

Chapter XXXV.

Intermediate Hospitals, Family Colonies and Guardianship, Farm Colonies, and Observation Wards.

The Family Colony of Dun-sur-Auron.

691. Another instance of this method of treatment is that provided in the neighbourhood of Dun-sur-Auron and Ainay-le-Chateau in France. We quote the greater part of Dr. Cunyngham-Brown's account of it. It was established to meet the pressure of chronic harmless cases at the asylums, and it has greatly improved the health and increased the contentment of the patients. It provides for the patients at less than a shilling a day. It consists of a central colony with an asylum linked to more distant sub-colonies. The colony itself is an aggregation of patients who are placed under the charge of guardians, who are the heads of the families in which the patients are boarded and supervised. We believe that asylums—hospitals we would rather call them—especially asylums of the village type like that at Kingseat, near Aberdeen, might be used as centres of "colonisation," and that in country districts in connection with these asylums family guardianship might very advantageously be extended by degrees, when people in the neighbourhood became interested in it and found it profitable. Even if cottages suitable for the purpose were built in the district and let to tenants who would be suitable "guardians," there would, we think, be but little financial risk, once the custom of caring for the mentally defective in this way became established. Once this were done, a new, better, and more readily extended method of providing for perhaps a third of the mentally defective could be brought into operation. But we would quote Dr. Cunyngham-Brown's statement.

Cunyngham-Brown, Vol. I, p. 521, c. 1.

Macpherson, Vol. III., p. 33, c. 2. 21255.

Cunyngham-Brown, Vol. I., p. 521, c. 1.

> "Founded in 1892, the colony of Dun-sur-Auron was instituted explicitly for the disencumbrance of the asylums of the Seine Department, and the cases selected for transfer were, conformably to the ministerial instruction of M. Loubet, 'aged people certified as insane, but in whom the condition of dementia, incurable but tranquil, and the senile enfeeblement of their faculties, hardly justified their detention in an asylum."
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> "This class of patient still preponderates in these colonies, but as experience gradually disclosed the fact that the subjects of many other forms of mental affection did well under family care, Dr. Marie, the founder and first medical director of this colony, now medical superintendent of the asylum of Villejuif, obtained a progressive extension of the categories of cases likely to benefit by this form of assistance, and to-day there are also many cases of delusional insanity, chronic mania and melancholia, and adolescent dementia.
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> "The colony at Dun-sur-Auron gave such good results that the numbers steadily increased; the dependent colony at Levet was opened in 1896; the colony at Ainay-le-Chateau was opened shortly after, and in 1900 converted into an independent colony; and numerous small villages in the neighbourhood were made the foci of sub-colonies, each with its little asylum, lazarette, or bathing establishment. At the time of my visit early this year (90.) there were 660 patients at Dun, 85 at Levet, some 200 odd at the sub-colonies of Bussy, Osmery and Ourouer, 438 at Ainay-le-Chateau, and arrangements were being made for future settlements at many other villages in the neighbourhood.
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> "At Dun and Ainay there are asylums each in charge of a medical director, who is assisted at Dun by a *medecin-adjoint*; and another at the colony at Levet. Most of the sub-colonies are connected by telephone with the asylums at Dun or Ainay and each sub-colony is in charge of a lay overseer or *surveillant des placements*. The patients are visited at regular and frequent intervals, and come regularly to the asylum or the hospital of their sub-colony for bathing and examination. The asylum is, further, the social centre of the colony, where the patients meet in the *salle-de-reunion* for games and conversation.

p. 521, c. 2.

> "I made a house-to-house visitation to most of the 600 patients in the village of Dun-sur-Auron, and also the hamlets of Bussy and Osmery, and encountered many in the streets, unmistakably demented, but attracting no attention whatever from the ordinary inhabitants. I found them occasionally at work, but as the majority are of advanced years, they were for the most part employing themselves in desultory fashion, or at meals. The interiors of the houses were certainly above the ordinary dwellings of the place in point of cleanliness and order, and the patients' clothing and bedding I found in excellent condition. Only two patients, as a rule, are permitted in one house, as it has been found there, as elsewhere, that when more than two are allowed, the proper blending of the patients with the life of the family is impeded. The rules stipulate that the food of the patients must be the same as that of the family and that at least three and a half kilograms of bread and one litre of wine must be supplied to each patient per week, and four days a week fresh meat, independently of vegetables and other foods. The patients appeared thoroughly contented, and though, being for the most part Parisians, many desired to return to Paris, not one wished, here or elsewhere, to exchange the life of the colony for that of the asylum.
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> "At Ainay-le-Chateau and the sub-colony of St. Bonney I found the same condition and received the same favourable impression.
>
> "The only points that seemed open to question were, firstly, whether it is advisable to transfer aged people, habituated town dwellers, to a distant colony where they are out of reach of their friends or relatives, amongst a people who, however well disposed, have other ways than theirs; and secondly, whether some binding restrictions should not be inserted in the rules of the colony as regards the supplying of alcohol to the patients.

"The sum paid to the *nourricier* for each patient is 1fr. 10c. per day. The personal clothing is supplied from the institution, and this, added to the expenses of the infirmaries, medical and other service, etc., raises the daily cost to 1fr. 40c. in the case of Ainay and to 1fr. 60c. in the case of Dun, per patient. The average cost per patient per day in the asylums of the Seine Department is 2fr. 75c. If to this saving be added the avoidance of erection of fresh structures the resulting economy is very considerable. Practically the same system is in operation at many of the family colonies. The two I visited were Gardelegen and Jerichow, and as the conditions obtaining amongst the patients are the same at both places, Jerichow only need be described."

The Family Colony of Dun-sur-Auron —*contd.*

For summary of points and detailed regulations, Vol. I. pp. 525, 526.

692. We think that a system of family care or guardianship, adopted under these conditions with all necessary sanitary and medical safeguards, is well worthy of careful consideration by the Board of Control, and by the local authorities connected with it; and we very strongly recommend that a scheme of this kind should be set on foot, and gradually extended, under capable management and good personal guidance. Possibly a religious body or community, or some large voluntary association, might undertake the task in a suitable county in England or Wales, and might combine personal insight and initiative with scientific methods and religious earnestness. In this and in other ways, voluntary institutions, organised in connection with the Board of Control, placed under the general supervision of medical men, certified, and made part of the general administration of the country for the care of the mentally defective, might render great assistance to the State at relatively a very small cost.

Trial of the Continental method of the Family Colony advocated.

(3) *The Scottish System of Boarding-out or Family Guardianship.*

693. The Scottish system of family guardianship or boarding-out is described by Mr. Spence, Secretary to the General Board of Lunacy in Scotland, in a very few words. He writes:—

Family Guardianship or "Boarding-out" in Scotland.

"Section 95 of the Lunacy Act of 1857 contains a provision to the effect that all pauper lunatics must be removed to the asylum serving the Lunacy District to which they belong. *unless the Board shall sanction their disposal otherwise.* It is the provision briefly summarised in the words italicised which brought the Board into official relations with all pauper lunatics wherever placed, and which enabled them to permit such pauper lunatics as could properly be provided for in private dwellings to be so disposed of.

Spence, Vol. III., p. 12, c. 1. Cf. also C. Macpherson, Vol. III., p. 46, c. 2. 20 & 21 Vic., c. 71. S. 95.

"Pauper patients are kept with the sanction of the Board in private dwellings, either with relatives or unrelated persons, and either singly or in numbers not exceeding four.

25 & 26 Vic., c. 54. S. 5.

"They may either be removed from establishments for the insane to private care, or may be left under such care on becoming chargeable, without having been in an asylum or other establishment. In the former case no medical certificate is required beyond a statement by the principal medical officer of the establishment on a prescribed form, to enable the Board to judge of the patient's fitness for such a mode of care. In the latter case (the patient not being already certified), two medical certificates and other particulars on prescribed forms must be presented with the application. The Board may at any time withdraw their sanction to the residence of a pauper lunatic in a private dwelling and order removal to an asylum or other establishment, or to another house and guardian. The form of the medical certificates is as regards the certification of lunacy somewhat similar to that prescribed by the Act in the case of patients received into asylums, but they must state in addition that the patient 'does not require, either for his own welfare or the public safety, to be placed in an asylum, and is a proper person to be detained under care and treatment in a private dwelling', and further, that 'the circumstances in which the patient will be placed are suitable and sufficient for his proper care and treatment.'

29 & 30 Vic., c. 51. S. 13. 29 & 30 Vic., c. 51. S. 9.

"Pauper lunatics in private dwellings are visited at least once a year by a Commissioner or Deputy Commissioner. The visit is repeated when occasion calls for it, and in the case of many aggregations of patients boarded in villages, at least two visits a year are regularly paid. The inspector of poor must visit half-yearly, and a local medical officer quarterly, and these local visits must be recorded in a visiting book kept in the patient's house. The reports of the Deputy Commissioners are entered on a case record kept for each patient at the office of the Board, on which is recorded all such reports with minutes in reference to them, a summary of the leading facts of the patient's history, and a *précis* of all correspondence regarding his case. The past history of each patient can thus be at once fully traced."

694. The diffusion of this method of family guardianship in Scotland is very remarkable. Though only of comparatively recent origin, it is now very well established and works smoothly and satisfactorily. Under the influence of the Scottish General Board of Lunacy, it is adopted in some districts as a kind of local industry, so that the conditions of guardianship become well known in the locality, and the control over the guardians by inspection is exercised readily and effectually. Mr. Motion, Inspector of Poor to the Parish of Glasgow, told us how "boarding-out" was extended to meet the needs of chronic harmless cases at Glasgow. "Previous to May, 1885," he said, "the borough and parish of Glasgow had practically no boarding-out. After that period, to prevent the erection of additions to the asylums, and as we knew there were a number of chronic harmless cases quite fit to be boarded-out, efforts were at once started to find suitable places. I am a native of St. Andrews, and I knew that in the

Motion, Vol. III., 21851.

Family Guardianship or "Boarding-out" in Scotland.—*contd*
Motion, Vol. III., 21849.

county of Fife there were a number of little hamlets or villages where weaving had been practised for ages past, and I went there personally and sent my assistant to elicit the sympathy and good offices of the local medical gentlemen, and was able to board out, roughly speaking, what has now risen to a very, very large proportion of our insane, at sums varying from 6s. to 7s. per week. The average cost last year is 8s. 8d. per week; the difference between that and keeping them in an asylum, roughly speaking, would be about £2,500 or £3,000 . . . After the first few, we could then pick and choose the best type of guardian."

The medical men in the district advocated and assisted the movement greatly, and care was taken in the selection of cases.

Motion, Vol. III., 21854–21857.

"We went through this particular asylum," Mr. Motion said, "and found the class of inmates that were working about the farm, and on the land, and were otherwise suitable for boarding-out; we selected them and got the medical superintendent to certify that they were fit to be boarded-out and removed them accordingly.

As to the selection of homes we take the houses as they are, and preferably with some aged couples whose family have gone off and left them with plenty of bed accommodation, and preferably in fruit-growing districts, such as the village of Balmullo in Fifeshire, near Leuchars Junction, and Ceres and Craigrothie further west, and especially the district of Lanark which was visited by members of the Home Relief Congress under the presidency of Dr. Charles Macpherson, the previous witness. The house is first inspected by the Inspector of Poor; if it passes him, application is made to the General Lunacy Board, and Dr. Macpherson, the Deputy-Commissioner in Lunacy, and his colleague then visit, and before we can put a patient in there it must receive their approval."

Sutherland, Vol. III., p. 240, c. 1.
C. Macpherson, Vol. III., p. 46, c. 2.

Dr. Sutherland, Deputy Commissioner in Lunacy for Scotland, considered that if 30 per cent. of lunatics in asylums were boarded-out, as he and Dr. Charles Macpherson, his colleague, thought would be advisable, "the saving in Scotland would be £66,000 per annum and in England £480,000"; but he proceeded to show how far from being reached was his standard of 30 per cent. for Scotland. He said:—

Sutherland, Vol. III., p. 244.

"In ten counties, including Ayr, Aberdeen, Edinburgh, Stirling, Dumfries, etc., there are eighty-six parishes large and small, with 1,645 chargeable insane, of whom only 130, or 8 per cent. are boarded out; and in fifteen counties, including Ayr, Aberdeen, Fife, Renfrew, Stirling, Dumbarton, etc., there are 202 parishes with 1,152 insane, not one of whom is provided for outside the institutions."

Trial of Scottish method advocated.
Cunyngham Brown, Vol. I., p. 522, c. 1.
Macpherson, Vol. III., p. 46, c. 2.
Cunyngham Brown, Vol. I., p. 523, c. 1.

695. We have made inquiry in regard to the system here described, both in the evidence we have taken and by our personal visits, and while, no doubt, in particular instances, criticisms might with some justice be made, still, in our opinion, there seems no reason why, under close medical supervision, it should not be adopted gradually and experimentally in a country district in England. In Scotland, some 19 per cent. of the insane persons in receipt of relief are provided for under family guardianship. The sum paid for board and oversight varies from 7s. per week in the large urban and burghal parishes to 3s. 9½d. in the case of Shetland. We think that in suitable districts it should be the subject of fair experiment under altogether new conditions, supported by the local committees for the care of mentally defective persons, supervised and actively supported by the Board of Control, and altogether dissociated from the PoorLaw and pauperism. The medical officer or one of the medical officers of the committee might take the place of the "Inspector" or, as we should say, relieving officer, in the Scottish procedure and pay the half-yearly visits; a member of the committee might pay the quarterly visit; and the Commissioner or Assistant Commissioner of the Board of Control might visit yearly. For information as to the character of the houses in which and of the people with whom the mentally defective persons might be placed, inquiry might be made privately in many ways which are at the disposal of a standing committee of a county or county borough council.*

Preamble (7).

Accordingly we would recommend that the system of "boarding-out," or family guardianship, as practised in Scotland, should be adopted in England for suitable cases.

* We have learnt that an attempt was made to introduce this system into England in connection with the County Asylum at Melton in Suffolk. Dr. Whitwell, who gave evidence before us, subsequently furnished a short account of the experiment which he initiated. It is printed in the Appendix papers, Vol. IV., p. 451. The plan was tried in 17 cases and so far as it went was very successful. It continued for two years. It was held, however, by the Lunacy Commission, correctly no doubt, that a lunatic received under a Reception Order though boarded out (Lunacy Act 1890, Sec. 57) had to be recertified periodically (Sec. 38); and "I had not," Dr. Whitwell writes, "foreseen the difficulty, and, since in my zeal to give the experiment the best chance of succeeding, I had always, in selecting the boarding house, given preference to those well away from congregations of people, the patients were mostly away from railway lines and somewhat difficult of access for recertifying. We had therefore reluctantly to abandon the scheme."

(4) *Large Farm Colonies.*

696. Another method which we would advocate is the introduction of the system of large farm colonies on lines suggested to us by the colonies for the feeble-minded which have been established in the United States of America and in Canada, and which are described by us in Chapter XLI. In America, in many instances, large estates have been purchased, which give scope for training the mentally defective in labouring work generally, in farm work, and in horticulture. In some of these estates the colonists are thoroughly accustomed to manual work, and are capable of doing a large amount of hard labour. Thus, at the Templeton Colony in Massachusetts, they work in the field, break rock and drill it for blasting with explosives, store corn, haul bricks, and perform many other tasks in some cases even without supervision. And all this is done, not only by those whom we would call "feeble-minded," but by men who are extremely imbecile or idiotic, and who "have not human speech." On these farm colonies there is ample room for experiment and development. New plans of education can be put in operation. The originality of the teacher may find new methods of testing and training, and there is space and opportunity for different kinds of employment. Where, as usually in America, the State Authority is careful not to discourage freshness of thought and ingenuity, quite extraordinary results are produced on these estates by men whose lives are devoted to the care of the mentally defective, results which may throw light even on the methods of education that may be suggested for the education of normal scholars in public elementary schools.

Large Farm Colonies in America. Cf. Pars. 833, 834, 831, and cf. also generally the Report of the members of the Commission who visited America, Vol. VII. Cf. Preamble 7.

The establishment of one such farm colony in England would be of the greatest service, both directly and indirectly.

(5) *The Probable Cost of the Colony System.*

697. We now pass to some details respecting the probable cost of institutions of the type of farm colonies, though on a smaller scale than the more notable colonies in America, to which we have just referred. In his report for the year 1906, the Inspector under the Inebriates Acts publishes "some details concerning the original cost of establishment in the case of existing certified inebriate reformatories." Experience in regard to the cost of the buildings, etc., required for this class is of service in estimating the expenditure that may have to be incurred in establishing farm colonies. The following table (*see* Group III.) shows indeed with what economy the necessary buildings may be constructed.

The probable cost of Colonies in England. Experience of the cost of Institutions for Inebriates. Report of Inspector under the Inebriates Acts, pp. 25–26, (Cd. 3685).

Conditions of establishment.	Reformatory. (1)	Approximate amount expended on site, alterations, building, drainage, furniture, &c.* (2)	Number of inmates for which each Reformatory is certified. (3)	Approximate cost per head. (4)
GROUP I.		£		£
Reformatories established by Local Authorities.	Farmfield ...	45,584	113	403
	Langho ...	110,349	185	596
	Cattal... ...	40,403	80	542
Totals ...		196,336	378	526
GROUP II.				
Reformatories established jointly by Local Authorities and other persons.	Brentry ...	48,102	240	200
GROUP III.				
Reformatories established by voluntary bodies, or private persons who are unconnected with Local Authorities.	Duxhurst ...	6,000	32	187
	National Institutions.			
	Horfield ...	3,640	20	182
	Chesterfield ...	7,862	57	138
	Lewes	16,164	150	108
	Ackworth ...	9,070	90	101
	East Harling ...	29,980	†300	100
Total		72,716	649	112

* The sums mentioned in this column include all amounts, whether paid or not, which are required to make each institution freehold, and the absolute property of the governing body.

† Including accommodation for 91 inmates, not yet added to certificate.

The probable cost of Colonies in England. Experience of the cost Institutions for Inebriates—*contd.*

698. The comments of the Inspector on this table are as follows:—

"Of the twelve institutions founded under Section 5, three have been brought into existence by county councils, one by a board formed jointly by representatives of local authorities and philanthropic persons, and eight others have owed their origin to religious bodies, temperance societies, or private persons. With regard to buildings, two (Langho and Cattal) have been specially erected *de novo*, five others (Brentry, Ashford, Farmfield, Newdigate, and East Harling) consist for the most part of specially erected buildings added to an originally existing structure, and the remaining five (Lewes, Horfield, Ackworth, Chesterfield, and Duxhurst) have been established in already existing buildings which required but little adaptation. Two of these reformatories, Ashford and Newdigate, have lately surrendered their certificates, are no longer available for the reception of cases, and will therefore receive no further mention. The above table shows, in as compact a form as possible, the approximate cost of establishment in reference to all institutions now existing.

"A glance at Column 4 will show that the actual expenditure upon land and buildings ranges approximately from £100 per bed as minimum, to £596 as maximum, and that all institutions built by local authorities are provided at much greater cost than those which owe their establishment to philanthropic bodies and private persons. In respect to Group I., however, it is only fair to remark that all administrative requirements (lighting, heating, drainage, kitchen, stores, laundry, etc.) are provided to meet the needs of a considerable increase over the number of inmates for which each institution is now certified. Langho, for instance, could be extended to hold 400 or 500, Cattal at least 200, and Farmfield 200, without any further building than would be necessary to provide the additional sleeping and day room accommodation. With economy in all future expenditure it should be possible to provide this supplementary living space at an amount which would reduce the average cost at each place to a much lower figure. At the present time the balance between administrative provision in each reformatory, and accommodation for inmates, is unequal; therefore, so long as this condition exists, any estimate of expenditure based upon the present cost per bed, is misleading. When these institutions are completed, and the balance is adjusted, the amount per bed should work out at about £300, a figure more nearly representing the actual state, and consequently the one upon which all remarks concerning the original cost of these places will be based. Moreover, it should also be remembered in regard to the reformatories in Group I., when expenditure is compared with what is shown in relation to other institutions, that the buildings erected by local authorities are undoubtedly superior to others in every respect, including construction, decoration, fittings, and the hundred and-one small details which mark the public institution of the present day. Whether this should be so or not I am hardly prepared to say, but it is certain that many arguments could be adduced in favour of simpler construction, less ornamentation, and the elimination of many elaborate details which are now considered necessary in public buildings designed for the housing of persons who require care and control. Rightly or wrongly, these arguments appealed with force to those of us who were interested in the provision of accommodation for inebriates, and some efforts were made to encourage the erection of buildings which could be characterised as monastic in their simplicity. Unfortunately, these efforts failed wherever local authorities were concerned, mainly owing to the inclusion of details which were considered unavoidable, such, for instance, as decorative outside appearance, oak-panelled board rooms, tiled walls, tesselated pavements to corridors, expensive lighting and ventilation plant, and suchlike elaborations. The county architect is too strong a man to fight against so long as he is stimulated to erect buildings which shall be a 'credit to the county,' so long as he is permitted to vie with neighbouring professional men in the production of something which shall be a credit to himself, and so long as his commission depends upon what he spends instead of upon what he saves. For these reasons it soon became evident, if strict economy in the provision of accommodation were to be carried into effect, that philanthropic bodies or private persons would have to be relied upon rather than local authorities, and the result as justified that conclusion. Even accepting £300 per bed as the real figure representing Group I., that amount still compares unfavourably with the average cost of institutions established under Groups II. and III. Furthermore, comparison between the cost per bed of Brentry (partly controlled by local authorities) and the average cost of institutions in Group III. (in the establishment of which no local authority had any voice) shows distinctly in favour of the latter. Therefore, so far as our experience under the Inebriates Act is concerned, the result is both interesting and curious; local authorities acting alone need £300 per bed, a mixed board of local authority representatives and philanthropic persons requires £200, and philanthropic bodies and private persons (acting without local authorities) manage establishment at £112 per bed. As already indicated, the accommodation provided at the last-named figure will not bear comparison with that which results from the expenditure of £300; but what has been provided for the smaller amount has proved, in my opinion, good enough, and therefore sufficient."

699. Of the above reformatories, East Harling and Ackworth are undoubtedly the cheapest. The former was originally a country workhouse situated in a sparsely populated district in Norfolk. At the time of purchase the buildings were repaired, fenced in, cleaned, whitewashed and made fit for habitation. Practically all the walls were then rebuilt throughout, four

The probable cost of Colonies in England. Experience of the cost of Institutions for Inebriates—*contd.*

additional wings erected, a receiving house, a number of workrooms for industrial occupations, new kitchen, stores, refractory block, water tower, infirmary, and some cottages were added, until in the end all necessary accommodation was provided. It is now practically complete, and has cost, from first to last, including furniture and all fittings, the sum of £29,980. The institution has accommodation for 300 inmates and 30 officers; the cost therefore works out at approximately £100 per bed. A contract is now in existence for the duplication of the building upon a site some distance away—everything to be reproduced as it stands at present. The contractors are the persons who have already done the work at East Harling, and they jointly undertake to make a replica and hand it over, lighted, drained, and supplied with water for £24,000—to which sum the cost of the necessary furniture (say £3,000) and the value of the site would have to be added. The previous existence of a building which was partly incorporated in the present one has not therefore proved a financial advantage; it added, in fact, to the total cost. The buildings are in two storeys, and take the form of a large divided square. The walls are fourteen inches brickwork, quite plain outside, here and there finished inside with plaster, but for the most part merely whitewashed. Floors vary between ordinary plank, wood blocks, and cement. Rooms generally open into one another, so that no space is wasted in passages. With the exception of some few separate rooms for special cases, the sleeping accommodation is provided for in small dormitories holding an average of about eight or nine inmates each. The windows are mostly iron-framed, with hopper openings for ventilation. The institution is lighted throughout by acetylene gas, which is found to meet all requirements, and has proved highly satisfactory. Water is obtained from two wells, and is stored in large quantities in a water-tower and elsewhere on the premises. It is pumped so far as possible by windmill, failing this by a capstan actuated by inmates. There are a number of earth closets, but the greater part of the sewage will be water-carried as soon as the sewage system is ready for use, and will be dealt with by septic system and irrigation. The laundry is fitted with a minimum of machinery, practically all work being done by hand. The kitchen is supplied with ordinary ranges, bakers' oven, steam cookers, and boiler.

The whole place has been built on strictly economical lines, without attempt at architectural beauty, but with every intention of showing that good enough provision can be made without the enormous expenditure now apparently considered necessary in buildings erected for public purposes. The Inspector under the Inebriates Acts, in his report for 1905, sums up the position in the following words:—

> "East Harling is a marvel of cheapness, but cheapness which does not particularly obtrude itself. It is sufficiently well built, dry, well lighted, well ventilated, and can easily be kept clean by scrubbing, paint, and whitewash. A great contrast to the finely finished asylums and public buildings of to-day, yet it serves its purpose excellently, is in every sense efficient, and is quite good enough for the persons who need to be detained therein. Few of them, in fact, have ever lived in such comfortable quarters."

700. The Ackworth new reformatory will, when complete, include twelve separate buildings—a central block containing dining, day room, workroom and sleeping accommodation for 206 inmates, kitchen and laundry, an administrative block and quarters for the staff, two villa blocks, containing accommodation for forty-four inmates in separate sleeping apartments, a hospital with two general and two-single bed wards for fourteen patients, a mortuary, an assembly hall to seat 272 persons, a receiving house, an isolated refractory block, a superintendent's house, a porter's lodge, and engineer's shop, an extensive range of workshops, and water tower, a well (200 feet deep) to provide the water supply, an acetylene gas installation, and sewage disposal works.

The reformatory, when finished, will contain all necessary provision for the number of inmates and officers intended—250 inmates and twenty-five officers—and its cost, including the site, roads, gas and water mains, fire appliances, steam cooking plant, furniture, and all incidental expenditure, will not exceed £97 per bed. The several firms contracting are old-established and

The probable cost of Colonies in England. Experience of the cost of Institutions for Inebriates—*contd*

experienced, and have carried out considerable building and engineering operations to the satisfaction of various public and other bodies. The following is a memorandum of the details.

	£	s.	d.
The cost of site including legal expenses was	1,998	17	5
And the several tenders are as follows :—			
Erection of 1,000 yards of angle unclimbable steel fencing, 7 feet high, with set of three entrance gates	440	0	0
Construction of roads, asphalt yards and paths	480	11	10
Sinking artesian well (200 feet deep), providing and fixing lining tube, pumps, oil engine, ascending main and all necessary plant and fittings to supply 7,500 gallons per diem of eight hours	452	15	0
Providing and laying 3-inch heavy cast-iron water mains, fire hydrants, and 1-inch galvanized iron services to buildings, including all necessary stop-cocks, boxes, etc.	266	13	6
Construction of sewage works and main drains, including manholes, inspection chambers and connections	735	12	6
Construction of branch drains to buildings	202	7	2
Installation of acetylene gas, including generation plant, mains and service pipes and fittings	513	14	0
Erection of porter's lodge, and engineer's cottage	400	14	4
„ „ superintendent's house	564	16	9
„ „ administration block and officers' quarters	1,854	9	4
„ „ receiving block, for ten inmates	828	0	4
„ „ kitchen and laundry block, including steam plant	1,470	4	3
„ „ two blocks of work and day rooms, dormitories, and baths, for 206 inmates	4,014	12	0
„ „ two villa blocks of work, day, bed, and bath rooms for			
„ „ forty-four inmates in single bedrooms	2,889	17	0
„ „ refractory block for ten inmates	841	1	9
„ „ hospital block for fourteen patients	738	4	5
„ „ assembly hall and chapel to seat 272 persons	1,185	16	6
„ „ mortuary	127	1	0
„ „ water tower, tank stores, engineer's and other workshops	1,263	4	7
Furniture and fittings	1,973	8	9
Allowed for contingencies	1,000	0	0
	£24,242	2	5

£97 per inmate.

The actual expenditure will probably be less than £97 per inmate. The contractor for the erection of the administration block and assembly hall and chapel is prepared to reduce his tender for those buildings by 10 per cent. if certain ornamental stonework, cornices, and woodwork are omitted. It has also been pointed out that the division walls of some of the buildings are unnecessarily heavy, that they could be reduced without detriment to the buildings, and with satisfactory financial results.

Site.

701. The cost of the land for a Farm Colony need not be excessive, but, in choosing a site, the following points should be borne in mind. Light land is preferable, and it should be adapted for spade cultivation. The site should be of sufficient altitude to avoid fogs as far as possible, and for purposes of economical transit, it must not be situated too far from a railway or canal.

Colony scheme for mentally defective persons: Cost of provision.

Vide end of Appendix Vol. V.

702. Considering the question more directly in relation to a colony suitable for the mentally defective, we publish in our Appendix, Vol. V., some sketch plans and elevations of buildings which appear to us both satisfactory and economical, and a note of the building tenders which were received in regard to them. The buildings are sufficient to provide complete colony accommodation for 150 male and 150 female inmates, and thirty officers. By re-duplication, they could be extended to accommodate any number of inmates without increasing the cost per bed.

Colony scheme for mentally defective persons: Cost of provision —*contd.*

The estimated cost of site, roads, fencing, sewers, water and electric supply, workshops, furniture, fittings, and contingencies, is according to these plans £12,000 for a colony for 300 cases, or £40 per bed. The cost per inmate would remain about the same if the colony were instituted on a larger scale and provided for an increased number of cases. The tenders that have been received are as follows:—

	Builders' Tenders. Lowest.	Highest
	£	£
A. Porter's Lodge	366	483
B. Superintendent's House	640	900
C. Assembly Hall	1,634	2,100
D. Kitchen and Laundry	1,415	1,664
E. Administration Block	3,150	3,800
F. Hospital Block (22 beds)	1,640	1,781
G. Inmates Blocks (7) (280 beds)	12,600	16,058
H. Receiving Blocks (2) (20 beds)	1,880	2,306
I. Bath Blocks (2)	660	722
	£23,985	£27,814

Per bed: £80 1s.; £99 7s. 6d.

Summary of the Estimated Cost.	Per Bed. £ s. d.
Site, road, sewers, furniture, fittings, etc.	40 0 0
Buildings as per lowest builder's tender	80 1 0
Total estimated cost	£120 1 0

Estimated cost of maintenance in colony.

703. In regard to the probable cost of the maintenance of mentally defective persons in a colony, it is extremely difficult to estimate. Very much depends upon circumstances, of which, as yet, we know but little.

The cost at East Harling Certified Inebriate Reformatory would perhaps more nearly represent the cost of a colony than any other of the institutions to which we have referred. There the cost works out as follows:—

	Per Inmate per Week. s. d.
Staff expenses (salaries, wages, provisions, officers' uniform and laundry)	3 6
Inmates' expenses (provisions, clothing, laundry, and medical stores)	4 2
General expenses (fuel, light, water, household stores, repairs to buildings, furniture, and fittings, rates, taxes, and insurance)	1 6
Total	9 2

Some of us who have had experience in institutional management are of opinion that under all the circumstances the cost in the proposed colonies for the mentally defective should be rather less. There should be a saving of at least 6d. per week, and possibly more in the cost of staff. There should also be a saving in the cost of the food of the inmates, as greater elasticity in the dietaries would be possible. The figure 9s. 2d. per week does not, of course, include anything for central office expenses, rent or interest, or for the repayment of the cost of the provision of accommodation. On the other hand, no allowance is made for the earnings of inmates. In many inebriate reformatories the industries produce an average of 1s. 2d. per week per inmate, and so reduce the cost to 8s. per week. There is no apparent reason why somewhat similar results should not be obtained in the case of the mentally defective.

Conclusions as to probable cost of provision of and maintenance in colony.

704. Though these statements of expenses cannot be accepted as final, we think that they show that for some classes of the mentally defective colonies well suited for the purpose may be provided at a very reasonable cost; that the cost per bed should not exceed approximately £100—£120 including site, roads, sewers, water, lighting, buildings, furniture and fittings; and that the cost of maintenance (inclusive of everything except central office expenses, rent or interest, and sinking fund) should not exceed from 8s. to 9s. a week.

705. We are, we fully recognise, recommending a considerable change in the methods hitherto adopted in England for the care of the insane; but the evidence proves, we think, that to meet the new demands that have now arisen, both in reference to the unsound in mind, and to the mentally defective generally, new and more economical provision must be made under new administrative leadership, and on new lines, more adaptable, more varied, and more discriminating.

(6) *Observation and Reception Wards.*

Preventive measures.

706. It remains for us to consider preventive measures, the effect of which should be to forestall the erection of new asylums by a more careful preliminary scrutiny of cases at their earlier stages, and by their improved medical treatment, so that only patients who ought certainly to be admitted to asylums should be certified and sent to them. With this object three methods have been submitted to us; the observation ward, the reception house or ward, and the "temporary certificate"; and to these, we should add the general method of scientific investigation and research. Modern experience shows that the variations and differences in mental defect require close scrutiny, and that in many cases of unsound mind the disorder, if it be dealt with at an early stage, tends to disappear under the quietness and discipline of treatment, while in other cases to which reference has already been made, the alleviation which is obtained under custodial care soon passes away, if the patient is discharged and left to his own devices. Further, mental derangement may be due to many causes, as many different conditions may culminate in one general form of enfeebled and depleted physical life. Hence, if we hope to prevent it, we must study it in all its bearing with systematic observation and experiment. It is admitted, indeed, on all hands that very much more scientific work of this kind should be undertaken.

Observation Wards.
Spence, Vol. III., 20815.

707. An observation ward is a place, wholly disconnected with asylum associations, where patients who are considered to be suffering from any form of mental derangement or disorder may be admitted freely and at once, with a view to ascertaining the disease from which they are suffering. In Scotland only mentally defective persons who are certified as such may, subject to the approval of the General Board of Lunacy, be retained in the poorhouses, and there they have to be kept in special wards which are licensed for that purpose under definite regulations. But it was ascertained that, in spite of licence and certificate, many persons of unsound mind were living in the ordinary wards of the poorhouse. It was proposed, therefore, to establish observation wards; and the Scottish General Board of Lunacy and the Local Government Board for Scotland agreed to regulations for their management. There was also another element in the desire to establish these wards. "The general public were resenting the going to asylums, because it meant loss of wages and loss of employment and general economic deterioration, as it were, and partly because patients preferred to remain in the poorhouse, as it had not the reputation of being an asylum. It was just the public wrath against asylum treatment." "Perhaps that was too strong a word to use," Dr. Leslie Mackenzie, the Medical Member of the Local Government Board for Scotland, who gave this evidence, said: "I think it should be 'public resentment.'" Then, in support of the view he had expressed, he quoted from his statement the words of a witness who had given evidence before a Departmental Committee in Scotland. "It is my experience that when once a person has been in an asylum, people have a strong objection to employing him or her afterwards. I have seen that occurring in the cases of females who have been out of asylum for some time and who are quite well: they get into service, but the moment their employer finds out about the asylum they are dismissed." This unfortunate result of admission to any asylum the observation ward, which is in the Eastern District Parochial Hospital, Glasgow, prevents. During the year ended 15th May, 1903, 242 patients suffering from symptoms of insanity were there treated, of whom only thirty-six were ultimately certified as insane and removed to the asylum.

Mackenzie, Vol. III., 23366–23375.

Mackenzie, Vol. III., pp. 155, 156, 157.

23374.

Vol. III., p. 156.

708. Dr. Carswell submitted to us some further details on this question which are worthy of careful consideration. They are summarised in the following statistical statement:— Observation wards—*contd.* Carswell, Vol. III., p. 64.

OBSERVATION WARDS OR HOSPITALS FOR THE CARE AND TREATMENT OF INCIPIENT OR UNDEFINED INSANITY.

The Glasgow Parish Council provided two wards for the care and treatment of early cases of insanity, and I have had medical charge of the patients since the opening of the hospital in June, 1904. I submit a return showing the number of patients treated and the results of treatment from the opening on 15th June, 1904, till 18th February, 1906.

OBSERVATION WARDS, EASTERN DISTRICT HOSPITAL, GLASGOW.

Admitted.	Male.	Female.	Total.
Delirium tremens	156	69	225
Delirium (non-alcoholic)	27	11	38
Excitement	52	73	125
Depression	74	87	161
Mental confusion	91	70	161
" " (puerperal)	—	16	16
Stupor	15	9	24
Hysteria	2	14	16
Cerebral disease	5	2	7
Epilepsy	17	15	32
General paralysis	14	3	17
Dementia	25	12	37
Delusional states	19	14	33
Various	37	7	44
Total under treatment	534	402	936—936

Discharged.	Male.	Female.	Total.
Cured	242	171	413
Relieved	96	64	160
	338	235	573—573
To asylum	133	116	249
To other asylums	7	9	16
Died	34	30	64
	512	390	902—902
Remaining at 15th	22	12	34—34

Note.—During the period reported upon, ninety admissions were re-admissions.

The system has worked satisfactorily, and has been greatly appreciated by the patients and their relatives. Under proper safeguards for the separation of respectable patients from the degraded or criminal class of defectives, it would be possible to utilise the wards, or additional wards, for the purpose of systematic and extended observation of persons supposed to be feeble-minded who may have fallen into criminal ways.

The patients admitted were suffering from disease of very various kinds, it will be noticed. The scrutiny of the observation ward differentiated them, and as a result, after treatment, 61 per cent. were discharged, cured, or relieved.

709. One or two of the conditions required by the Scottish Local Government Board in the establishment of observation wards may be noted. The observation ward should be separated from the other wards in a poorhouse. The wards are like "ordinary hospital wards modified to suit their special purposes"; and the nursing and treatment is on hospital lines. No inmate who is not medically certified as suitable for treatment is lodged there. The certificate is a certificate for observation and treatment, not for detention, and apart from other questions as to the applicant's health and dependants, "the medical officer is requested to state the grounds that have led him to conclude that the applicant is suitable for treatment in the observation wards of the poorhouse." The wards provide accommodation for not fewer than four Memoranda of conditions of establishment of observation wards, and as to cases suitable. Mackenzie, Vol. III., p. 156, col. 2. Mackenzie, Vol. III., p. 158, c. 1.

Memoranda of conditions of establishment of observation wards and as to cases suitable—*contd.*

patients of each sex. The period of stay may extend to six weeks, with an extension in exceptional cases, on the production of a certificate to that effect, which has been transmitted to the Local Government Board. Registers of the cases have to be kept by the medical officer. If the wards contain sixteen beds and upwards, there must be at least one medical officer resident in the poor-house. In another Memorandum, issued by the Local Government Board for Scotland, there is a note of the kind of cases for which observation wards are suitable, and of those for which they are not suitable.

Mackenzie, Vol. III., p. 156, c. 2

Mackenzie, Vol. III., p. 157, cols. 1 and 2.

(*a*) Where the mental symptoms are a sequel or accompaniment of diseases that in ordinary circumstances terminate within a definite time. The point specially to be kept in view here is the likelihood of the speedy disappearance of the symptoms of mental disturbance.

(*b*) Where, although the mental symptoms would seem to indicate lunacy, the medical officer is clearly of opinion that such symptoms are likely to be of short duration.

(*c*) Where the patient's mental state gives rise to apprehension, but where the symptoms are not sufficiently marked to enable the certifying physician to affirm either sanity or insanity.

(*d*) Where the mental disorder is associated with alcoholic abuse.

(*e*) Senile cases where there are temporary symptoms of mental derangement which make it undesirable that the patients should be treated in a general hospital ward.

(*f*) The presence of the following conditions should be regarded as contra-indicating suitability for such wards :—

(1) Homicidal tendencies.
(2) Dangerous violence.
(3) Acute and persistent suicidal tendencies.
(4) Long-established insanity or known existence of chronic delusions.

Tuke, Vol. IV. 28617.
Savage, Vol. IV., 29094.

710. In favour of the utility of these wards, there appears to be a general consensus of opinion. The change marks a further step towards the substitution of the hospital for the asylum. The procedure is simple ; it suggests a larger and more scientific handling of the whole problem of mental defect, and it allows of the disease being combated in its earliest stage.

Reception wards and reception houses.
The Lewisham Infirmary Ward for observation purposes.

Appendix Vol. V., p. 241.

711. In support of this view, we may quote Dr. Toogood, the medical officer of the Lewisham Infirmary, who, acting as Secretary to the Committee on Lunacy of the Medical Infirmary Superintendents' Society, has forwarded to us a very interesting account of a similar method of dealing with cases of alleged lunacy adopted by him at Lewisham :—

"The relieving officer, either upon his own authority in obvious cases of mental derangement or upon the direction of a justice of the peace after a medical examination in less apparent cases, conveys the alleged lunatic to the workhouse or infirmary for detention, until the justice decides whether the case is fit to be discharged or to be transferred to the county asylum."

Of this period, advantage is taken for observation. "The great majority of the cases treated in these wards, although temporarily insane, and requiring control and observation, are not asylum cases." The disease is considered and dealt with apart from the "stigma of lunacy," for "friends of patients do not object to the detention in infirmaries or workhouses, but they have a very keen horror of an asylum." It is considered, too, in relation to illness, generally, as one form of malady which requires hospital care ; not as a malady dissociated from other maladies both in scientific thought and in medical treatment. The results achieved coincide with those obtained at Glasgow. The following is a return of them :—

In 1902, out of 8,076 cases of alleged lunacy admitted to metropolitan infirmaries and workhouses, 3,920 were sent to lunatic asylums and 3,560 were discharged cured.

In 1903, the figures were 8,004 admissions, 3,792 sent to asylums and 3,443 discharged cured.

In 1904, 7,654 were admitted, 3,716 sent to asylums and 3,155 discharged cured.

In 1905, 7,322 were admitted, 3,583 sent to asylums and 2,877 discharged cured.

The reason of this large percentage of cures lies in the fact that the mental state is often merely a symptom of a disordered bodily condition, and clears up entirely when that condition is cured.

712. It is evident that here, too, much insanity has been mitigated or stayed and prevented at an early stage, which is economy of the best kind. And we think that on these lines, by arrangement between the Board of Control and the local authority, there should be reception wards or reception houses wherever it may be necessary, and that whatever legal provision is required for their

establishment should be made without delay. We regard it, indeed, as very important that a free hand should be allowed to committees in dealing with this matter so that they may be able to utilise many existing agencies for the purpose. We do not consider it at all necessary that in crowded centres of population, large and expensive buildings should be erected like the reception blocks of the great county asylums. Separate wards in workhouses or in general hospitals might be used under contract, or existing houses or other buildings adapted. The special advantages of these reception wards for the clinical study of mental disease are so evident that many general hospitals, especially those to which medical schools are attached, would be glad, we think, if they were subsidised, to provide them within their own premises, or in neighbouring buildings, with medical, nursing and attendant staff complete. Those of us who visited America were much impressed with what we saw of the work done in reception and observation wards there.

Reception wards and reception houses—*contd.*

(7.) *The "Temporary" Certificate.*

713. Another similar procedure has also to be considered from this point of view—the certification and treatment of "unconfirmed" cases. No statistics are forthcoming in regard to it, but the evidence respecting it is entirely favourable. Dr. Clouston, the Superintendent of the Royal Asylum, Edinburgh, explained to us its origin :—

The "temporary certificate" and the treatment of "unconfirmed cases."

Clare, Vol. IV., 33733-33734. Clouston, Vol. IV., 30942, 31036. Smith-Whitaker, Vol. IV., p. 237, col. 2. Pennant, Vol. IV., p. 257, col. 2. Tuke, Vol. IV., 28617, 28623.

> "We have," he said, "in the original Lunacy Act in Scotland a clause which comes in the middle of one of the sections which empowers any registered medical man to give a certificate, as we say in Scotland, 'on soul and conscience'—a kind of solemn certificate that his patient is afflicted with a certain disease. You do not require to put anything mental in your certificate at all. You usually put something in reference to mental disturbance, but you do not use any of the technical terms. . . . You say that he labours under some mental disturbance, or that he has certain nervous symptoms, with mental depression : you put that in, but the certificate says that the malady is 'not confirmed.' This is the very gist of the whole thing. You cannot do it in a case you know to be incurable, it must be really for the purpose of cure. 'And I consider it expedient with a view to his recovery that he should be placed,' and we specify the house in which the patient is to be kept, 'for a temporary residence, a term not exceeding six months.' This procedure is used 'to a very considerable extent.'"

And Dr. Clouston adds :—

Clouston, Vol. IV., 30942. 30943.

> "I am not aware that any bad result has ever occurred from its use. The certificate is the more effectual for its purpose—'recovery and temporary confinement'—because it is not notified to any lunacy authority whatsoever ; in fact it is a private certificate about which no one knows anything."

The patients under it go to private houses only. In England such cases as are described by Dr. Clouston are frequently admitted to private or nursing homes. 30944.

714. A somewhat similar, though amplified, procedure has already been included in the draft of a Lunacy Acts Amendment Bill. The utility of the method, however, lies largely in its simplicity and informality, and in amplifying the regulations, this must be borne in mind. No more than this is necessary, for the certificate, as in the case of the observation ward, is not a certificate for detention, but for temporary residence, cure and treatment. This method is already taking root in England, and by turning it to account the pressure on asylums might, we think, be yet further reduced.

Bill to amend the Lunacy Act presented by the Attorney General [Bill 179] 1905.

Recom. LXVII.

Smith-Whitaker, Vol. IV., 31358. Buist, Vol. IV., 31487-31497. 31501. 31506-31509.

We recommend in Recommendation LVII. : That anyone who for profit shall receive to reside as a patient or maintain any person appearing to come within any of the classes of mentally defective persons defined in Recommendation IV. shall within seven days thereafter notify the same to the Board of Control. And, further, under Recommendation XIII. the Board of Control are required to undertake the registration, supervision and inspection of all houses in which *two or more* mentally defective persons are maintained for private profit, and to visit such houses at least twice a year.

Recom. LVII.

Recom. XIII. : Preamble (6).

(8.) *The Promotion of Scientific Investigation.*

715. Lastly, there is the direct promotion of scientific investigation as leading ultimately, it may be hoped, to yet further preventive measures. Sir James Crichton-Browne, who strongly advocated the establishment of a Ministry of Public Health as a centre for the promotion of medical science and the supervision of all departments of sanitary and medical administration, insisted on the necessity of further developments in the study of insanity.

Scientific investigation should be promoted.

Crichton-Browne, Vol. IV., 29684.

> "It seems to me," he said, "to be the important question for the country: beyond all administrative machinery is this enormous growth of lunatics which is

Scientific investigation should be promoted—*contd.*

going on, and the great duty is the investigation of the causes, and the scientific treatment, and the improved scientific treatment of lunacy so that this increase may be checked and reduced. There are, I believe, various methods by which that may be done, and I think that in order to get these a more scientific element ought to be introduced."

Crichton-Browne, Vol. IV., 29687.

The Lunacy Commission "had gone round and insisted on post-mortem examinations, they had encouraged medical officers to carry out inquiries, encouraged the teaching and admission of students to asylums, so that the profession might be instructed in the nature of mental disease in all those ways. They encouraged me—without their assistance I could not have done it—to establish a laboratory, and in that laboratory at Wakefield Professor Ferrier's first experiments were conducted, experiments which have done so much to elucidate the structure and functions of the brain. But for the Commissioners in Lunacy, my committee at that time, county magistrates, not very scientifically inclined, would scarcely have allowed me to carry out that work. In various ways the Commissioners in Lunacy have helped."

But he said the Commission "had never initiated investigation." That was their duty now. And Dr. Mercier and others supported this opinion. Dr. Mercier said :—

Mercier, Vol. IV., 29894, 29898.

"Some years ago, I can remember the time when the medical superintendents of public asylums in this country, although they possessed medical degrees, had ceased to be medical men. They are excellent organisers, admirable administrators, many of them, but when they were appointed heads of asylums they put their medical functions behind them, and sometimes avowedly so. . . . That state of things no longer exists to the extent to which it did exist, and the cessation of it is very largely due to the influence of the Lunacy Commissioners, and especially to the influence of one particular Commissioner, who made it his business to emphasise in his reports the importance of the medical side of insanity. . . . There has been a great revival of late years, but that revival is not nearly so great as most of us would like to see. The qualifications required in a superintendent by his Committee are not largely medical qualifications. . . . Superintendents are chosen as a rule from assistant medical officers." . . . Hence the assistant medical officer cultivates the general and social side of his office and "does not as a rule cultivate his own peculiar profession, for he finds it does not pay. I think the Commissioners might exercise a very important influence, in the first place by educating county councils to appreciate the value of medical knowledge and insisting upon a high standard of medical attainment in the officers they appoint, and also in encouraging assistant medical officers in cultivating the scientific study and treatment of insanity. We have to remember that many of these public asylums are in remote country districts, far from a populous town, far from a medical school."

716. Thus, it appears to us, that an obligation rests with the Board of Control, supplied, as it should be, with a sufficient staff to initiate investigation; to educate county and county borough councils to appreciate the value of medical knowledge, and to encourage scientific study among assistant medical officers; to set on foot a sufficient system of records, and to promote the establishment of observation wards and pathological laboratories and the study of new methods of treatment. For we agree entirely with Dr. Clouston's suggestion that it should be made legal for committees of visitors to contribute to a joint laboratory for several counties, or in the larger counties to a laboratory for each county. All these are methods which should, in our opinion, be adopted and enforced with vigour in order to stay the growth of mental defect and disorder; and we have made recommendations that will enable the Board of Control and the local authorities to act in these ways.

Mott, Vol. I., 8356, 8358. Clouston, Vol. IV., 31019, 31020. Potts, Vol. II., 19178, p. 471, c. 2.

Recommendation XXIII. Preamble (7). Recommendations LXIV.-LXVII.

CHAPTER XXXVI.

Certification, Wardship, and Detention.

717. The Lunacy Commission may be defined as a body established to ensure by its inspection and advice the responsible and effectual guardianship of insane persons. The responsible guardianship of the person is largely secured by certification and licence—certification, that the person is suitable for detention; licence, that the place where he is detained is suitable for his residence and treatment. The Judge and Masters in Lunacy with the aid of the Chancery Visitors (Parts IV. and VII., Secs. 183 to 186 of the Lunacy Act, 1890), are appointed to ensure the responsible and effectual guardianship of the property of insane persons, by supervising and controlling its management and administration. The distinction between the Lunacy Commission and the Judge and Masters in Lunacy and the Chancery Visitors, and their respective functions, is not absolute, as, for instance, persons "found lunatic," that is lunatics, not by certification, but by inquisition, are under the care and control of the Judge and Masters in Lunacy, either in regard both to persons and property, or in regard to one or the other.

718. In this branch of work we submit recommendations which we believe will lead to simplification and efficiency in official administration, and to economy. The changes we propose are these :— Reorganisation in regard to certification and wardship, and the office of the Judge in Lunacy.

(1) A simpler system of certification than is now in operation, which may be put in force, if, in the interest of the person or of society, detention or segregation or the right to detain is considered necessary.

(2) A simple system of wardship for the oversight and control of the person who is under age, and also a method of recognised friendly care for his oversight and guidance, with after his coming of age a reconsideration of circumstances and conditions, followed by continuing supervision or control if it be necessary.

(3) The extension of the protection of the property of a mentally defective person, on the lines of Sec. 116 of the Lunacy Act, to all the classes coming under that term, as defined in Recommendation IV. Chap. XXXVII.

(4) The transfer of the work and duties of the Judge and Masters in Lunacy to the Judges and Masters in the Chancery Division, with, as one result, the inclusion in one body of the present Commissioners in Lunacy and the Chancery Visitors. Chap. XXXVIII.

In the chapters that follow, we take these points in turn, and finally we will describe our scheme as a whole in reference to the various suggestions made to us by witnesses, more particularly the suggestions which are stated at some length in Chapter XXXII. Chap. XXXIX.

I. Certification.

719. In regard to certification we have to provide for simplicity of procedure in arranging for detention ; for the supervision of certification, so that institutions and methods of treatment that are available, of whatever kind they may be, may be used for the right persons ; for the transfer of persons, as conditions change, from one institution or from one kind of care and treatment to another ; and for the continuance or discontinuance of certification.

720. Generally in the procedure of certification we adopt the lines of the Lunacy Act of 1890, but, in the case of reception orders on petition, we recommend the following changes:— Reception orders on petitions.

The principle of these alterations is to adopt the system in force under the Lunacy Act and extend it to all classes of mentally defective persons as defined in Recommendation IV., without regard to the question whether they are " paupers " or not.

" (1) The word ' lunatic ' is replaced by ' mentally defective person ' throughout, and the word ' pauper ' eliminated. Recommendation LXVIII.

(2) The committee may, through its representative, present a petition as ' next friend ' of the mentally defective person where it thinks such petition ought to be presented, either at the request of the relatives or where the relatives or friends have failed to act (Section 5 (5)).

(3) The judicial authority may select a suitable institution or house or leave the selection to the committee, in cases where the relations or friends of the mentally defective person have failed to select one (Section 6 (1)).

(4) The order of the judicial authority should state whether or not the patient has been personally examined by him (Section 6 (2))."

721. Similarly, we recommend certain changes in the procedure as to urgency and summary reception orders. The principle of these alterations is to adopt the system in force under the Lunacy Act and extend it to all classes of mentally defective persons as defined in Recommendation IV., without regard to the question whether they are " paupers " or not. Urgency orders and summary reception orders.

" (1) The word ' lunatic ' is replaced by ' mentally defective person ' throughout, and the word ' pauper ' eliminated. The latter change renders Sections 14 and 18 unnecessary, and they are accordingly printed in large square brackets." Recommendation LXXI.

Urgency Orders and summary reception orders—*Contd.*

Recommendation LXXI.

"(2) The word 'workhouse' is deleted in the other sections which stand, and the words 'receiving house or reception ward' substituted. It will be noted that under Recommendations LXIV.-LXV. the committee may contract with others, including boards of guardians, to provide the necessary accommodation for receiving houses or reception wards.

"(3) The committee may, through its representative, make an 'urgency order' as 'next friend' of the mentally defective person where it thinks such a course advisable, either at the request of the relatives or when the relatives of the mentally defective person have failed to act (Section 11 (8)).

"(4) The 'Master in Lunacy,' where referred to, is eliminated, and 'Legal Commissioner or a Judge of the High Court' substituted in accordance with Recommendation VII.—(Section 12).

"(5) The procedure on summary reception orders is altered in the following ways:—

(*a*) The duty of informing a judicial authority as to mentally defective persons not under proper care and control, or cruelly treated or neglected, is imposed on medical officers of a Poor Law parish or union and representatives of the committee, in addition to constables, relieving officers, and overseers who at present have to give such information as to 'lunatics' (Section 13 (1)).

(*b*) The judicial authority, on receiving information on oath of any person whomsoever as to such mentally defective person, must authorise the medical officer or a certifying medical practitioner to examine the mentally defective person.

It will be noted that one medical representative of the committee is substituted for the two medical practitioners who at present make the examination of 'lunatics' under similar conditions (Section 13 (2)). Under Section 16 the Justices could at present make an order on one medical certificate in the case of a pauper alleged to be a lunatic or an alleged lunatic wandering at large. We propose to eliminate Section 14, relating to a pauper alleged to be a lunatic, but to extend the provisions of Sections 15 and 16 to all mentally defective persons wandering at large.

The effect of our alterations is to make it necessary—

(i) In cases of mentally defective persons not under proper care and control, or cruelly treated or neglected, brought before a 'judicial authority,' to require a certificate from one medical representative of the committee (Section 13 (2)).

(ii) In cases of mentally defective persons wandering at large brought before a Justice to require a certificate from any one medical practitioner (Section 16).

(*c*) The order of detention is, in the first instance, to be made for not more than fourteen days to a receiving house or reception ward, or other institution or house (Sections 13 and 16), during which period the committee will decide on a suitable institution (Sections 13 (3) and 16).

"(6) The procedure under Section 23, as to reception orders by any two or more Commissioners, is extended to all mentally defective persons, and to epileptics, whether mentally defective or alleged sane, in registered institutions or houses for epileptics. The Commissioners will communicate with the committee as to the admission of such cases into suitable institutions or houses."

The ordinary form of certificate which we recommend will be found in Recommendation LXX.; but, in Recommendation LXVII., we suggest that mentally defective persons should be admitted into receiving houses or wards "under any immediate certificate or order that the Board of Control under its regulations may require."

Detention of persons under twenty-one without the intervention of a judicial authority.

722. As regards mentally defective persons (other than persons of unsound mind or mentally infirm), who are under twenty-one years of age, we recommend that they may be placed by parents or guardians or by the committee in suitable institutions or houses upon the certificate in writing of a qualified medical practitioner without the intervention of a judicial authority. Recommendation LII.

Supervision of certification, admissions, discharges, etc.

723. We have made further recommendations (LVI.-LXIII.) as to notifications, admissions, continuance orders, transfers and discharges. By means of the procedure herein outlined we believe it will be possible to ensure that the methods of treatment shall be suitable to the individual case in the first instance, and that if at any time it should become no longer suitable a transfer or discharge should take place.

724. It may be added that in the case of mentally defective persons dealt with by magistrates under the Summary Jurisdiction Act, we have suggested that the procedure of the summary reception order be adopted, with the intervention of the medical officer of the committee or a certifying medical practitioner for the certification of the person and a reference to the committee for the selection of the institution suitable for him. In cases heard at Assizes and Quarter Sessions, after conviction, we would suggest that a similar procedure should be adopted.

Summary reception order in criminal cases. Recommendation LXXXVII.

725. To two other questions it may be well to refer. We have adhered to the present practice of certification by which the magistrate at his discretion makes or refuses to make the order for detention that may follow on certification, and also decides whether he will, or will not, see the alleged lunatic. In Scotland, in the case of an alleged lunatic the petition is submitted to the sheriff, whose "function is rather administrative than judicial. He sees that there is no ground to object to the petitions, that the prescribed forms have been complied with and that the two medical certificates are in terms such as afford reasonable evidence that the subject of the petition is insane. If he is not satisfied on these points the order is refused. There is nothing to prevent him having the patient brought before him, if he thinks fit, but he does not do so and would not be likely to do so for the purpose of determining the patient's lunacy, as that would put him in the false position of acting as a medical examiner." In England, the magistrate is in what is here called a "false position." He acts practically as supervising medical examiner, and sees the person with the object of judging of the reality of the alleged lunacy, apart from his judgment of the reasonableness of the evidence which the certificates contain. As an illustration of the result of adopting this course, a case was cited to us. The patient had been detained on a reception order signed by the magistrate in the usual way on the necessary certificates. There was no asylum very near, and consequently the patient was removed to a hospital. The magistrate had signed the certificate without seeing her, and accordingly, when she was at the hospital, she was given the opportunity of seeing another magistrate there. When this magistrate saw her he refused to certify her and "the patient had to be discharged, with very disastrous results to herself."

Functions of judicial authority. Claye Shaw, Vol. IV., p. 197, c. 2. 30443–30444. Lunacy Act, Sec. 6, 17. Spence, Vol. III., p. 14, c. 1.

Claye Shaw, Vol. IV., 30444. Cf. Tuke, Vol. IV., 28804–28806.

726. The magistrate is called in to give the order for reception, that the public may have complete confidence in the justice of the transaction, and that the interest of the patient may be fully considered. If he is to assume a position that is judicial rather than administrative, it appears to us that he should, as a rule, see the patient. We believe that it accords best with English feeling that the judicial authority should make the order judicially.

Recommendations LXVIII and LXXI.

727. Another point in regard to certification has also been raised. The present form of certificate includes (1) a statement of facts observed by the medical practitioner and (2) a statement of facts observed by others. It has been suggested that in the form of certificate it should not be necessary to enter facts observed by the medical practitioner, but only his opinion and such facts observed by himself as he may think fit to record. The reason for the suggestion is that an experienced medical man will, by various signs and indications, be able to judge whether a person is or is not mentally defective, but with the time at his disposal he can, in some cases, hardly observe facts which by their strangeness and peculiarity would impress a magistrate or any person unaccustomed to medical investigation, though, with a greater opportunity for observation, such facts might come to light. There is thus much to be said for this suggestion, but the difficulty is rather to be met, we think, in a different way. It may indeed happen, and often does happen when insanity is combined with cunning, that even a protracted interview will not enable the medical man to observe such facts, if they were recorded, as would support a certificate. The opportunities for observation before certification should therefore be greatly increased, and for this we recommend that the fullest facilities be given. We would, on this understanding, adhereto the present form and require that the "statement" of facts should be filled up by the medical man, though the actual wording of the questions on the statement might be revised.

Statement of facts observed by certifier in certificate.

Crichton-Browne, Vol. I., 6042–6044.

II. Wardship.

The principle of wardship for the mentally defective.

728. Under recent legislation methods for the care and custody of children have been introduced which have extended the principle of wardship in many ways. Infancy, in cases in which the infant is the prospective possessor of property, is ground for wardship; and the analogy between infancy and unsoundness of mind or idiocy, as states of insufficient or defective discernment, is obvious, and has long been recognised. The Court that deals with the one may well deal with the other. And in fact this principle is now taking many new forms.

Compulsory education; the principle of the Reformatory and Industrial Schools Acts.

Industrial Schools Act, 1866, Sec. 14.

729. Under the Reformatory Acts, the ground for interference and compulsory education is conviction in respect of an offence committed by a child between the ages of ten and sixteen punishable with penal servitude or imprisonment. In the Industrial Schools Acts, intervention in the case of children apparently under fourteen years of age depends not only on the committal of an offence, but also, apart from that, on the existence of immoral or injurious conditions of life—exposure to vice and crime—"found begging or receiving alms"; "found wandering"; "found destitute, either being an orphan, or having a surviving parent who is undergoing penal servitude or imprisonment"; "frequenting the company of reputed thieves" or "of prostitutes," and so forth. And in these instances, also, the law imposes compulsory education. With the close of the education the control ceases, at the age of sixteen or eighteen or nineteen as the case may be.

The development of guardianship.

Prevention of Cruelty to Children Act, 1904, 4 Edward VII., Ch. 15.

Sec. 6.

Sec. 7.

Poor Law Act, 1899 (62 & 63 Vict., Ch. 37). Sect. I. (6).

Sect. I. (1).

Custody of Children Act, 1891, Sec. 3 (b).

730. But the enforcement of education at the charges of the State, and, as far as possible, at the expense of the parent, is often found to be insufficient. The evil is done before the offence is committed. The return of the young person to the family after the period of compulsory education exposes him to the very vice and crime from the influence of which it was desired to withdraw him. Legislation consequently tends to extend the field of guardianship, and to use it as the instrument of a control, not merely educational, but social and personal. Thus, in the Prevention of Cruelty to Children Act, 1904, where a person who has the custody of the child under the age of sixteen has been convicted of committing an offence of cruelty as defined in the Act, the child may be "committed to the custody of a relation of the child, or some other fit person, including any society or body corporate established for the reception of poor children or the prevention of cruelty to children, named by the Court (such relation or other person being willing to undertake such custody) until it attains the age of sixteen years or for any shorter period." And "any person to whose custody a child is committed under this Act shall, whilst the order is in force, have the like control over the child as if he were its parent, and shall be responsible for its maintenance, and the child shall continue in the custody of such person, notwithstanding that it is claimed by its parent." This principle is pushed still further in connection with Poor Law administration. The Poor Law Act of 1899 permits the guardians, in certain cases, to "resolve that until the child reaches the age of eighteen years all the rights and powers of such parent as aforesaid . . . in respect of the child shall . . . vest in the guardians, and thereupon those rights and powers shall so vest accordingly and shall continue so vested whether the child does or does not continue to be maintained by the guardians." The cases to which such a resolution applies are amongst others: the desertion of the child by the parents; "cases in which the guardians are of opinion that by reason of mental deficiency, or of vicious habits, or mode of life, a parent of the child is unfit to have the control of it," and so on. And, under the Custody of Children Act of 1891, in cases of the abandonment or desertion of a child or the neglect of him so as to allow the "child to be brought up by another person at that person's expense or by the guardians of a Poor Law union for such a length of time and under such circumstances as to satisfy the Court that the parent was unmindful of his parental duties, the Court, 'it is enacted,' shall not make an order for the delivery of the child to the parent unless the parent has satisfied the Court that, having regard to the welfare of the child, he is a fit person to have the custody of the child." Thus, under the circumstances of parental neglect or moral incapacity the right of the parent is definitely curtailed by modern legislation, and till the child reaches some age short of twenty-one years, he remains deprived of his authority, if the state of things that justified interference still continues.

731. In Germany, in the case of children neglected but not themselves guilty of an offence, the same tendency of legislation is apparent; and for their case an extended system of "guardianship education" has been introduced.* "If the mental and bodily well-being of a child is endangered (not simply prejudicially affected)," the Court of Ward (*Vormundschaftsgericht*) is "empowered to take the necessary measures for removing the danger"; and "endangered" includes cases (*a*) where the father abuses his right to take care of the child; (*b*) where he neglects the child; or (*c*) where he is guilty of dishonourable or immoral conduct": and, further, though the child be under the charge of a guardian, the Court of Ward may interfere if "there is reason to fear continued neglect." In these cases—if "there is danger of neglect, whether of a moral, mental or a bodily kind"—the child may be placed under "guardianship education." So, "if the child has been guilty of a punishable offence for which, on account of his tender age, punishment cannot be inflicted." So again, if the educational influence of the parents or others responsible for his education, or the influence of his school, is inadequate to "prevent his complete moral ruin."

"On the Education of Neglected Children in Germany." Journal of the Society of Comparative Legislation. New Series, No. VII., June, 1901, p. 66.

If the Court of Ward decides to order "guardianship education," the ward may be placed in a suitable family or in an educational or correctional establishment. In coming to a decision on the point the peculiarities of each individual case have to be considered, the nature of the degeneracy and the causes of it; and a curator is appointed to supervise the education and maintenance of every pupil placed in a family. The office of curator is honorary, and may be filled by women in the case of children under twelve years of age; and in the case of female pupils, women are preferred as curators. "Pupils may also be placed in institutions for the sick, infirm, insane, lunatic, deaf and dumb, or blind, so long as may be required by their physical and mental condition." The "guardianship education" terminates at the age of twenty-one, and, towards its termination, every care is taken to ensure that the pupil starts in life under good auspices. The cost is met thus: the provincial unions (*Provincialverbände*) or, as we should say, counties, are responsible for the establishment of educational or correctional institutions; the communal unions (*Kommunalverbände*) or, as we should say, the boroughs and urban and rural districts, bear "the principal expenses for maintenance and education, and for providing for discharged pupils," but the Government supply two-thirds of the expense.

Guardianship and supervision of mentally defective persons under twenty-one.

732. This principle of guardianship education we would apply to the mentally defective, and with that object would recommend for the wardship of children and young persons up to the age of twenty-one, the adoption of a method similar to that described in the Acts of 1891, 1899, and 1904, quoted above. We have treated all proposals for the prevention of the generation of mental defect by physical means as outside the scope of practical administration. We have the more reason therefore to recommend that provision be made for the control of mentally defective persons by the honourable method of guardianship; and it may be noted that the Poor Law Act of 1899 has already accepted "mental deficiency" on the parents' part as a ground for the diminution of parental rights.

733. We therefore recommend that the local authority should have power to pass a resolution of wardship—that is, a resolution for the transfer of the rights and powers of the parent or guardian of a child, until the child reaches the age of twenty-one, to the committee for the care of mentally defective persons—"in the case of persons under twenty-one years of age, for whose care and control any council is required to make suitable and sufficient provision and who, in the opinion of the committee, are not under suitable parental or other control, and are not receiving suitable training or are cruelly treated or otherwise neglected and who, in the opinion of the responsible medical officer of the committee, come within any of the classes (3) to (9) inclusive of Recommendation IV." These powers should be exercised, as we state in Recommendation XLIX., subject to appeal to a Court of Summary Jurisdiction and a further appeal to a Court of Quarter Sessions. And we propose, further, that where the mentally defective person, being less than twenty-one years of age, is receiving suitable training and parental control, and is not cruelly treated or otherwise neglected, "the Committee endeavour to make a voluntary agreement with the parent

Recommendation XLIX.

Recommendation LI.

* Gesetz über die Fürsorgeerziehung minder jähriger vom 2 Juli 1900.

Guardianship and supervision of mentally defective persons under twenty-one—*contd.*

or guardian for the appointment of a friendly visitor who, with the committee, shall be consulted as to any proposed removal of the person from his or her present residence, or any change in regard to his or her education and training, or any question of marriage, and generally in regard to any matter that may affect the well-being of the person at the time or in the future." Recommendation LI.

734. So far, we have dealt with wardship up to the age of twenty-one. But other proposals have been made to us, which would be applicable to persons after that age. The first of these proposals is the adoption of the system of *curatelle*, as practised in Jersey. The second proposal is the adoption of the French system known as the *Conseil de Famille*. Next, we will discuss the Scottish procedure under which a "curator bonis" is appointed to the property of a minor or of an "incapax." And lastly, the suggestion made to us by Sir James Crichton-Browne for the appointment of "legal guardians."

III. Curatelle.

The system of *Curatelle*.

735. Sir William Venables Vernon (Bailiff of Jersey) described very fully the system known as *Curatelle* which is in force in that island, and which furnishes a useful parallel to any system which might be introduced into this country. It will perhaps be convenient to consider in the first place the type of persons to which *curatelle* applies. The Royal Commission of Inquiry into the Civil, Municipal, and Ecclesiastical Laws of the Island of Jersey, 1861, thus stated the law :—

Venables Vernon, Vol. I., p. 589, col. 2.

> "It is to be observed that by the law of this island recourse may be had to a *curatelle* not only in cases of lunacy and mental incapacity, but whenever through drunkenness, prodigality, misconduct, or incapacity of any other kind it may become necessary or expedient to subject a person to control in the management of his property."

This statement of the law was questioned by the Privy Council in the case of *Ex-parte* Nicolle on appeal from the Royal Court of Jersey (L. R. Appeal Cases, Vol. 5, 1879–1880, p. 350). In this case, the Privy Council appear to have held that the interpretation given by the Royal Commission was too wide. Sir William Venables Vernon, however, informed us that :—

Vol. I., 10201–10203.

> "The practice has been to continue the administration of the law on the old lines."

He considered that the Privy Council had not the facts fully before them, and that much that was said in the judgment must be taken as *obiter dicta*. He concluded as follows :—

> "By the law of Jersey all insane and feeble-minded persons and prodigals must be either protected or restrained in the management of their property,"

adding that this system, as applicable to defective persons, is in practical working order in Jersey at the present time, and has been from time immemorial.

Account of the "*Curatelle*" Procedure. Venables Vernon, Vol. I., 10203.

736. In order to establish *curatelle*, the proceedings usually commence in the following way :—

> "Any interested person, whether a member of the family, or some person interested by reason of business relations, such as a creditor, or other person, gives information usually to the police of the district; a preliminary inquiry is carried on by the police, or at any rate is supposed to be carried on. As the result of this, the head of the police communicates with the Attorney-General, who is also *ex officio* the public prosecutor of the island. Thereupon the Attorney-General files an information with the court, and states that a case has arisen for an inquiry, and moves the court to make an Order. That Order goes, as a matter of course; the Attorney-General being responsible and representing the Crown moving for the inquisition, the Order issues as a matter of course."

If no action is taken by relatives or friends the procedure may be set going in other ways :—

> "1. The police may *ex officio* give information.
>
> 2. The Attorney-General may *ex officio* institute proceedings on some fact being brought to his notice.
>
> 3. The Court might in the course of other judicial proceedings discover that a man apparently was incapable or incompetent to manage his own affairs and might draw the attention of the public prosecutor to the fact."

Venables Vernon, Vol. I., 10211.

The next step is as follows :—

Venables Vernon, Vol. I., 10211.

> "The Attorney-General, after conferring with the head of the police of the district selects a given number, usually eight or nine, of the notables of the district, persons of substance and integrity, presumably acquainted with the person in question, having known him for at least a year and a day, having had opportunities of seeing him and knowing his mental state and his general behaviour, as well as acquainted with his mode of administration and management of his affairs and property, and these persons are according to the form summoned to appear before the Court on a special day. At the same time the defendant is made a party to the proceedings by a specific form of summons."

Account of the *Curatelle* Procedure—*contd.*

These six persons are called *principaux*. They are not in the position of a jury, but are selected witnesses. They are examined and cross-examined on oath, usually very closely by the court itself. If the court considers the evidence sufficient, the person in question is declared incapable. Seven *electeurs* are then appointed, usually from among the near relatives, four on the father's and three on the mother's side. These *electeurs* appoint the *curateur*, who consults them in his management of the estate and person, and for whose acts they are liable, as sureties, if they have concurred in them. The seven *electeurs* are then known as *la curatelle*.

Venables Vernon, Vol. I., 10212–10213, and p. 587, col. 1.

Procuration.

737. There is a further method by which the feeble-minded can *voluntarily* place themselves under control by signing a *procuration* appointing a *procureur* whose powers are then similar to those of a curateur. A *procuration* may be either (1) general, in which case it can only be revoked by the Court, on cause shown, or (2) special, in which it can be revoked without cause at pleasure. Whenever *procuration* is resorted to, it is usually done in order to avoid the compulsory process of appointing a *curateur*, which is looked upon as a disgrace.

Venables Vernon, Vol. I., p. 587, c. 2.

Length and Cost of Proceedings.

738. Sir William Venables Vernon stated that he had never known the hearing of such a case to last for more than two days. A disputed case might take a day at most. The minimum cost would be £6 or £7 and the maximum £14 or £15, including counsel's fees. If interdiction is pronounced, the cost comes out of the estate; if not, it is paid by the ratepayers.

Venables Vernon, Vol. I., 10214–10220.

Compulsory Notification of Cases.

739. By a statute of January 22nd, 1883, no person may keep in his or her custody "any person suffering from mental infirmity whatever may be the degree thereof" without notifying the fact to the President of a permanent Committee of the States of the Island appointed for that purpose under a penalty of £10 to £25. Parents must, under this law, report children as soon as they can reasonably tell that they are mentally defective. The Committee may visit such feeble-minded persons at any time and may give notice to the public proseeutor in regard to any circumstances which may come to their knowledge. Two visitors are usually appointed, and should they think it necessary to institute proceedings these must be conducted according to the usual procedure in *curateurship*. Great discretion is observed in the manner in which this law is put into force, the information thus obtained is never allowed to leak out, and, consequently, no resentment is felt by the public at having to notify cases of feeble-mindedness in their own families, as might otherwise be the case. This procedure applies to rich and poor alike.

Venables Vernon, Vol. I., 10235–10242.

Provision for Custody of the Person.

740. In cases where something more is required than management of the property of the feeble-minded person the *curateur* has power to place him under restraint. To quote Sir William Venables Vernon again:—

> "If the *curateur* and his *electeurs* found they could not keep the man under proper and sufficient restraint in his own home they might place him as a boarder in the general hospital of the island or some other institution of that sort, or in a private asylum, or in a public lunatic asylum."

Venables Vernon, Vol. I., 10272–10274.

In case of escape, the Attorney-General would be informed, and would give directions to the police if he thought fit. The power of the *curatelle* is subject to supervision by the Attorney-General, and ultimately by appeal to the Court.

There are two institutions in Jersey to which children can be sent—the Family Orphanage at Granville—supported by State grants, and the Jersey Home for Boys, which is a public institution. The parents can be compelled by legal process to maintain their children if sent to such institutions.

Venables Vernon, Vol. I., 10255–10257.

Evidence of Mental Defect required.

741. The evidence upon which interdiction is allowed is that of the six *principaux* who are summoned as informants. There is no certainty that any of these will be medical men, though it is usual for the Attorney-General to appoint one or two out of the six. Medical certificates may be presented by counsel on behalf of the alleged feeble-minded person as also by the Attorney-General, but these would be unsworn and there would be no opportunity for cross-examination.

Venables Vernon, Vol. I., 10263–10271.

The system of *Curatelle.*

> "No witnesses not being members of the inquest can be examined on either side, unless therefore some medical man cognisant of the facts is competent to serve, medical evidence is unattainable." (Extract from Report of the Royal Commissioners (Jersey), 1861, Vol. I., p. xxix.

Venables Vernon, Vol. I., p. 589, c. 2.

Sir William Venables Vernon mentioned in dealing with this point that it was thought by some that an alteration was necessary, and that medical evidence should be admitted.

Success of the *Curatelle* System.

Venables Vernon, Vol. I., 10204–10205.

742. As evidence of the success of the system, Sir William Venables Vernon mentioned that in his own experience, which extended over thirty years, there had been on an average from twelve to fifteen cases heard and determined before the Royal Court of Justice every year. The population of the island would be between 50,000 and 60,000. He also quoted from the Minutes of Evidence of the Royal Commission of 1860 as follows:—

Venables Vernon, Vol. I., 10206.

> "The Commissioners were: Sir John Awdrey, Lord Devon, and Mr. Jebb, and they had on that particular day before them the then Attorney-General of the island, the members of the Bar, the leading members of the legal profession, and others, and they had been inquiring into the specific cases of grievances under the law of *curatelle*, and they wound up a very long examination of the Attorney-General and the other members with the following: Sir John Awdrey to Mr. Dupré, the Attorney-General, Question 12863: 'Do you conceivet hat the power which is exercised by the court in this manner authorising restraint upon drunkards and prodigals is on the whole beneficial?—(*A.*) I think it is generally considered so in the island; many families have been saved from ruin by it. (*Q.*) Taking place upon the examination of six *principaux*, if they are fairly selected is not that some evidence that the general sense of the island is in favour of it?—(*A.*) I think so. (*Q.*) Do you then think that it involves greater restraint upon personal liberty than ought to be allowed?—(*A.*) I do not think so. (*Sir J. Awdrey.*) Would any other gentleman like to give an opinion upon this very important question?—(*Mr. H. Godfray.*) There are many instances where families have been brought to ruin by an incompetent person not having a *curateur* in time. (*Lord Devon.*) Is any legal gentleman aware of any cases in which this process has been used for the purpose of oppression or private wrong? (*Mr. Dupré.*) I have no knowledge of any case of that kind. (*Mr. J. Aubin.*) Speaking from forty years' experience, I may say that I do not know of such a case."

Venables Vernon, Vol. I., 10286–10287.

There is no tendency for the work of the *curateur* to be habitually carried out by a solicitor as is the case in France. The courts always discourage this practice, and press for the appointment of a relative whenever possible. Consequently, the system has not lost its freshness, and is looked upon with confidence, and appreciated by the people generally.

In conclusion, it appears that "curateurship" is an efficient method of dealing with persons in possession of either large or small properties who have proved themselves incapable of managing their affairs. It is, however, inapplicable to the pauper class, amongst whom the existence of the feeble-minded causes the greatest distress; and secondly the ground for interdiction often falls far short of any actual mental defect such as doctors would be prepared to certify, but may be merely a general incapacity as shown by conduct, the type of person contemplated being thus described by Sir William Venables Vernon:—

Venables Vernon, Vol. I., 10221.

> "A man who having inherited good estate, having a wife and children, would be bringing destitution upon himself and them by reason of gambling and horse-racing or otherwise doing away with his property."

IV. The Conseil de Famille.

The system of *Conseil de famille.* Type of Persons to whom it applies. Budd, Vol. II., 17256.

743. We pass now to the consideration of the French system known as *Conseil de famille.* This is in many respects similar to *curatelle.* The class of persons to whom it is applicable is, however, less wide, the state of mind which gives rise to interdiction being described as "imbecility, dementia, or *fureur*," but these words are said to be widely interpreted by the court.

Account of Procedure. Budd, Vol. II., 17252.

744. The procedure is thus described by Mr. Wreford Budd, who gave evidence on behalf of the Incorporated Law Society:—

> "An application is made for an interdiction. The classes of person who could make that application are clearly defined in the code. The judge, when the application comes before him, interviews the person against whom the application is made; he then appoints a *conseil de famille*, and he asks the opinion of the *conseil de famille.* That opinion is given to him: there are minute directions as to how the *conseil de famille* is composed, who must, and who must not, sit upon it. The judge then pronounces in open court the interdiction—that is to say, he prevents the profligate person, or whatever he may be, the person against whom the application is made—from entering into contracts, and appoints a receiver of his property."

745. Mr. Wreford Budd recommended an adaptation of the French system in this country, the actual appointment of the "family council" being unnecessary as, in his opinion, the supervision could be exercised by the Chancery Division. Dr. Savage, who gave evidence on behalf of the Royal College of Physicians, also suggested "the French system of the family council or something like that" for dealing with cases in the upper and middle classes.

The system of *Conseil de famille*; how far adaptable to this country. Budd, Vol. II., 17262–17265. Savage, Vol. I., 6521.

Mr. C. M. Barker, the President of the Incorporated Law Society, after referring to the successful working of the system, pointed out:—

> "It must not be forgotten, however, that it is to some extent based upon the French law that a man cannot leave a certain proportion of his property away from his own family. Barker, Vol. II p. 357, c. 2.

These words indicate the fundamental difference which exists between French and English law in the matter of alienation of property.

746. In England, a testator is under no obligation to bequeath his property to his relatives. He might leave everything to "a man in the street," and his will would be valid if he were "sane and of sound disposing mind." In this respect the law of Jersey resembles that of France, and in both cases, the popularity of the "Family Council" system is largely due to the different conception which exists with regard to private property.

How far should the State interfere in the Protection of Private Estates?

We cannot do better than quote Sir William Venables Vernon, who thus graphically describes the contrast between the two principles:—

> "I presume I may take it that the law of England is that a man, under God, is absolute master of his property, and, consequently, that he may deal with it exactly as he likes, both during his lifetime, and in contemplation of his death. The law of Jersey, which is founded on the ancient Norman law, is founded upon a radically different principle, the principle that a man holds, enjoys, and administers, and can only dispose of, his property, both *inter vivos* and *mortis causa*, subject to what is due to himself, to his family, and those dependent on him, to the community, and to the State. The consequence is that the law of Jersey from time immemorial has always held that the incapable must be protected, and the unfit must be restrained with regard to the exercise of the right of management of their own property." Venables Vernon, Vol. I., 1020?.

Good and salutary as is the system of *curatelle*, we fear that it would not be possible to graft it into English procedure for the care and control of the mentally defective.

747. The difference between Norman law, and English, is deeply engrained in the social organisation and feeling of the communities of which those laws are the expression. The one recognises the unity and obligations of the family as a whole in relation to property. The predominating characteristic of the other is the liberty of the individual. In England, it would seem as if the "restraint of the unfit" would be effected, not through the family acting of itself as a controlling agency under the co-operative guardianship of a curator, but by the guardianship of a court whose protection is obtained by a procedure like that in force under Sec. 116 of the Lunacy Act. Members of the family of a mentally defective person should, we think, have the fullest opportunity of applying for the protection of the court, and, in order to achieve this, we recommend "that the powers and provisions of the Lunacy Act, 1890, relating to management and administration, shall apply to all mentally defective persons as defined in Recommendation IV."

Conclusion that neither the system of *Curatelle* nor the *Conseil de famille* would be possible in England.

Recommendation X.

748. It appears, therefore, that whatever alteration may be necessary in the existing law of this country, it must be based on some other principle than that in force in Jersey or France. English law does not recognise a right on behalf of relatives to be protected; it would be rather a question of the right of a feeble-minded person who inherits property and is incapable of managing it to be protected against himself. This appears to be the basis for any possible legislation. It should, however, be mentioned that the members of the Law Society who gave evidence were impressed by the effectiveness of the French method, and some desired that the courts of our own country should be armed with equal powers, not only covering the control of property held in full possession, but extending even to the variation of settlements under which the mentally defective person may be entitled.

Rawle, Vol. II., 17426. Budd, Vol. II., 17333.

V. The Curator Bonis.

Administration in Scotland of estate of an *incapax*.

749. We turn now to the Scottish system of the *curator Bonis*. Mr. Richard Brown, who had acted in many cases as *curator bonis*, gave evidence before us as to the procedure in Scotland for the administration of estates of persons who are found by the Court to be incapable of managing their own affairs or of giving directions for their management. We have not recommended the adoption of this procedure in England, as we are of opinion that an extension of the existing system in England will meet the case. But the Scottish method is both suggestive and far-reaching, and well worthy of consideration side by side with the methods of *curatelle* and *conseil de famille* and the English system.

In Scotland, the Court of Session has, from an early period, exercised the power of appointing an officer to whose care, under the supervision of the Court, are entrusted estates and interests without a capable owner or administrator. Such an officer is called a "judicial factor."

Brown, Vol. III., p. 41, col. 2.

By the Judicial Factors Act of 1880, the power of appointing judicial factors in cases of estates, the yearly value of which does not exceed £100, was extended to the Sheriff (or County) Courts in Scotland, an appeal from these Courts to the Court of Session being competent.

The designation—judicial factor—is a general term applicable to all persons appointed by the Court to take charge of estates. A person appointed to the property of a minor or of an *incapax* is specifically known as a *curator bonis*.

The conditions which justify an appointment may be either mental or physical; and, in either case, the question to be determined is, do they, or do they not, render the party incapable of managing his affairs? It is not necessary that the party be absolutely insane, if mentally unfit to manage his affairs. Appointments have also been made in cases of physical incapacity, such as paralytic affection, apoplexy, deaf and dumb, and blind and deaf, but it would rather appear that the Courts are averse to appoint on grounds of physical incapacity alone.

Mr. Brown continues:—

Brown, Vol. III., p. 42, col. 2.

> "The system appears to be sufficiently elastic to cover all necessary cases. If habitual drunkards or even spendthrifts were certified to the Court as incapable of managing their own affairs, possibly the present law in Scotland might be sufficient to enable the Court to appoint a curator of their estates. But whether under the present law or under a new law I have no doubt that the system of administration which I have described would be found perfectly suitable for all such cases."

Petition for appointment of *curator bonis*. Brown, Vol. III., p. 41, col. 2.

750. "A petition is presented to the Court by either the *incapax* himself, his relatives, or, failing relatives, any parties interested; by the Accountant of Court where a factor has died or ceased to act, and by the Lord Advocate where a report has been made to him under the Lunacy (Scotland) Act, 1857. These petitions come before a Judge only, either the Junior Lord Ordinary of the Court of Session or a Sheriff or Sheriff Substitute in the County Courts, and are not referred to a jury. There must be produced with the petition certificates by two medical men, on soul and conscience, to the effect that the party is incapable of managing his affairs or of giving direction for their management, and stating specifically the cause of this incapacity and its duration. One of the certificates must be by a medical man unconnected with the asylum where the *incapax* may be detained. The petition must be served personally on the alleged *incapax* and upon the other persons interested, who are named in the petition. Eight days' notice is given. All parties interested may appear in the case, whether the petition has been served upon them or not. Where the appointment is opposed by the alleged *incapax* with a denial of incapacity, the Court may cause an inquiry to be made into his state, and may examine him and other witnesses, or may adopt what course is considered best to obtain the necessary information. The alleged *incapax* is not entitled to demand a cognition and formal medical inquiry."

Appointment, duties, and discharge of *curator bonis*, in Scotland. Brown, Vol. III., p. 42, col. 1.

751. Speaking generally, any male person twenty-one years of age, in Scotland, in solvent circumstances, and not disqualified by incapacity or interest, may be appointed *curator bonis*. Where no objection is stated or appears, the Court will usually appoint the petitioner's nominee.

The curator's first duty is to find caution or security for his intromissions to the satisfaction of the Court. Until this has been done, he cannot obtain the official act and decree of his appointment which has the effect of a complete transfer to the curator of all property belonging to the *incapax*. As soon as he has received this he enters upon the administration of the estate. He requires

to prepare and lodge with the Accountant of Court within six months at the latest a full and distinct rental of all lands committed to his management and a list of all monies and funds belonging, and debts due to the estate, and also an inventory of any furniture or other movables. He must also acquire all writs and documents of importance belonging to the estate, and collect all monies not securely invested. He must satisfy the Accountant of Court as to the accuracy of the statements lodged by the production of vouchers."

Appointment, duties and discharge of *curator bonis* in Scotland—*contd.*

"While the curator appointed by the Court is not given specific control over the person of his ward, he has in effect such control, seeing that he has command of the whole of the ward's property. In practice, the curator sees that his ward is comfortably and suitably maintained according to his means. The ward may be placed either in a lunatic asylum or a private house, according to his condition, or he may even be allowed comparative freedom, but he is, of course, under the supervision of the Board of Lunacy, and if the officers of the Board think that the ward is not being properly or suitably taken care of, they may communicate with the curator and require him to make better arrangements."

Brown, Vol. III., p. 42, col. 2.

"A curatory comes to an end on the death of the ward, and an appointment may be recalled at any time on the following grounds :—

"When the *incapax* can show that he has recovered, or was never incapable, or when the curator is superseded by a tutor-at-law or by a foreign guardian, or when the original appointment was incompetent or irregular. Medical certificates are usually held sufficient proof of the ward's recovery. When the curatory comes to an end the curator applies for his judicial discharge, which is granted by the Court after intimation and the receipt of a report by the Accountant of Court to the effect that the discharge may be given."

752. With regard to the cost of the procedure, Mr. Brown says :—

Cost of administration.

"I have ascertained that in the case of persons incapacitated, the average costs connected with the petition for, and appointment of, a curator, where there is no opposition, are £18 to £20 in the Court of Session, and £8 to £10 in the Sheriff Court. Where the petition is opposed the costs are usually larger, but it is in the discretion of the Court whether and how far the costs of unsuccessful opposition will be allowed out of the estate."

Brown, Vol. III., p. 42, col. 2.

He further states :—

"That the whole cost of administering the Court of Session factories amounts to less than 8 per cent. of the Revenue and the Sheriff Court factories less than 15 per cent. of the total expenditure. In the latter case the expenditure has been used as the basis of comparison, as the income in many instances is insufficient for necessary expenses, so that the capital has to be encroached upon. It will be understood that Sheriff Court factories consist entirely of estates of less than £100 annual income."

Brown, Vol. III., p. 42, col. 2.

VI. Legal Guardianship.

753. Another suggestion has been made to us, which we have not adopted, but which is well worthy of consideration. Sir James Crichton-Browne suggests the appointment of legal guardians by the County Court Judge. He says :—

Suggested appointment of legal guardians by County Court Judges in cases of mental defect.

"Over idiots and persons of defective intellect who have no property, some legal control is necessary in many cases for their own protection and for that of the public. So long as they are wholly maintained by their parents or relations, and are living at home and properly treated, no interference would be justifiable, but wherever relief was sought on their behalf, or wherever it appeared that they were subjected to privation or harsh treatment, or were not under proper control, then I would suggest that the County Court Judge should, on the application of the board of guardians or parish council, having satisfied himself of the existence of idiocy or mental defect, appoint a guardian who should have all the powers of the Committee of the person. The guardian thus appointed would have the custody of the idiot or mentally defective person, would decide his or her place of abode and education or industrial training, and recover from the parents such contributions to maintenance as they might be capable of making. The guardian should, I think, be an official person, acting for a large area, and appointed by the town or county council. He or she—for in the case of female idiots and defective persons it would be advisable to have a female guardian—would stand in *loco parentis*, would visit his or her wards regularly, and report to the board of guardians. They should be responsible for the safety and good conduct of their wards, arrange for the employment of such of them as might be safely hired out for employment, and supervise those in schools, homes, and colonies."

Crichton-Browne, Vol. I., p. 334, col. 1. Cf. Bramwell Booth, Vol. II., 14063.

754. In preference to this proposal, we have decided to recommend that the committee for the care of the mentally defective may resolve in certain cases to become the guardian of the mentally defective person, up to the age of twenty-

Conclusions as to guardianship and supervision.

Conclusion as to Guardianship and supervision—*contd.*

one, and after that age shall report the condition of the case to the Board of Control, who shall decide what further steps shall be taken in view of the continuance of the mentally defective person under care and control.

Recommendations XLIX., L. and LII.

For the control of mentally defective persons, Classes (3) to (9), we have adopted the method of the Idiots Act, 1886, which allows of admission to an institution on the application of a parent or guardian under the certification of a single qualified medical practitioner; and persons who have been received into an institution, when under the age of twenty-one, may be there retained after they are of full age, with the approval of the Board of Control.

VII.—Detention.

Cf. Chap. XX., par. 372.

Of detention, we have here said nothing. The whole argument of our report is an argument for its necessity in particular cases. The evidence in favour of it on the part of our witnesses is almost unanimous. By the proposals which we submit it would be within the power of the committee for the care of the mentally defective, subject to certification, to arrange for the detention of a mentally defective person. It would thus be in their hands as an instrument at any time available. But, in very many cases it may not be required; in many, once settled, it may rather remain in abeyance than be actually turned to account for the control of the patient. For some cases oversight will suffice, for others certification, and for others certification with an order for detention.

Preamble (7).

See paragraphs 372, 683-754, and 763.

The aim of the scheme is the application of particular methods suitable for the cases of different persons, not the general adoption of any one method exclusively. We have described these methods in our Report.

CHAPTER XXXVII.

The Management and Administration of Property.

755. To understand the conditions under which property is administered and managed in connection with Lunacy or mental infirmity it is necessary to study Sec. 116 of the Lunacy Act, 1890. The Section is as follows:—

Section 116 of the Lunacy Act, 1890.

"(1) The powers and provisions of this part of this Act relating to management and administration apply:—

(*a*) To lunatics so found by inquisition;

(*b*) To lunatics not so found by inquisition for the protection or administration of whose property any order has been made before the commencement of this Act;

(*c*) To every person lawfully detained as a lunatic though not so found by inquisition;

(*d*) To every person not so detained and not found a lunatic by inquisition, with regard to whom it is proved to the satisfaction of the Judge in Lunacy that such person is through mental infirmity arising from disease or age incapable of managing his affairs.

(*e*) To every person with regard to whom it is proved to the satisfaction of the Judge in Lunacy by the certificate of a Master, or by the report of the Commissioners, or by affidavit or otherwise, that such person is of unsound mind and incapable of managing his affairs, and that his property does not exceed two thousand pounds in value, or that the income thereof does not exceed one hundred pounds per annum;

(*f*) To every person with regard to whom the Judge is satisfied by affidavit or otherwise that such person is or has been a criminal lunatic and continues to be insane and in confinement.

"(2) In the case of any of the above-mentioned persons not being lunatics so found by inquisition, such of the powers of this Act as are made exerciseable by the committee of the estate under order of the Judge shall be exercised by such person in such manner and with or without security as the Judge may direct, and any such order may confer upon the person therein named authority to do any specified act, or exercise any specified power, or may confer a general authority to exercise on behalf of the lunatic, until further order, all or any of such powers without further application to the Judge.

"(3) Every person appointed to do any such act or exercise any such power shall be subject to the jurisdiction and authority of the Judge as if such person were the committee of the estate of a lunatic so found by inquisition.

"(4) The powers of this Act relating to management and administration shall be exerciseable in the discretion of the Judge for the maintenance or benefit of the lunatic or of him and his family, or where it appears to be expedient in the due course of management of the property of the lunatic.

"(5) Nothing in this Act shall subject a lunatic's property to claim of his creditors further than the same is now subject thereto by due course of law."

These "powers and provisions" include practically everything that is necessary to divest the person, in whose case the order is made, of the control and management of his property and business and to secure their management by others on his behalf under the supervision of the Courts.

Lunatics found by "Inquisition." Sec. 116 (1) (a).

756. The first Sub-section (*a*) refers to cases so found by inquisition. We have thus at the outset a distinction of cases "so found," and cases "not so found." If a person is found by inquisition of the Judge or Masters in Lunacy, with or without a jury, to be of unsound mind and incapable of managing himself or his affairs, he comes under Sub-section (*a*). Inquisition cases are comparatively few, and it has been proposed to us on various grounds that the system should be set aside; or that, at least, the inquisition should not be made by a jury, but by a Master in Lunacy only. It exists in no other country. It creates a quite unnecessary cross division both in the classification of mental defect and in the administration regarding it, and except as imposing an absolute status of lunacy on the individual, it offers no advantage which cannot be obtained under certification. And in some well-known cases the reference to a jury of difficult questions touching mental disorder complicated by all sorts of irrelevant issues of personal sympathy and social position has led, it is admitted, to very unsatisfactory judicial conclusions. On the other hand, authoritative evidence favours the continuance of the procedure; and hence we hesitate to make any definite recommendation for its abolition.

Crichton-Browne, Vol. I., 5990. Cozens Hardy, Vol. IV., 28409, 28485, 28510, 28511.

Lunatics not so found by inquisition. Sec. 116 (1) (c). Nicolson, Vol. IV., 27436. Fischer, Vol. I., 3008, 3068, 3058. Fischer, Vol. I., 3061. Cozens-Hardy, Vol. IV., 28409.

757. By far the larger number of lunatics are certified under reception orders and are thus by legal interpretation not "found" to be lunatics.

To these the Sub-section (*c*) refers—persons certified as lunatics "lawfully detained as lunatics though not so found." With this distinction, there follow weighty consequences. A lunatic "so found" has his whole status changed. He cannot marry, and no deed he executes during a lucid interval is valid. He is practically a ward of the Court and his property is protected. The management of oneself and of one's property are different things, and a person may be found of unsound mind and incapable of managing his property, but yet be found capable of managing himself; the certified lunatic is certified merely as to his person. The question of his property does not necessarily come up for settlement. Even though he be undischarged, his acts are held to be responsible and are validated, if it is proved that they were done in a lucid interval. He is not under any restrictions, apart from personal detention, nor under any incapacity, except at the actual moment or period of his insanity.

It is evident, therefore, that for most people and for their friends, detention after certification, which may be arranged by petition privately, would be preferable to detention after inquisition with its definite withdrawal of social independence; and under (*c*) their friends can claim for them the protection which the Court affords for the management and administration of their property.

Mentally Infirm Persons. Sec. 116 (1) (d).

758. But Sub-section (*d*) goes further and deals on the lines of the Lunacy Act with people who are not lunatics so found or so certified, and who are not of "unsound mind," as under Sub-section (*c*). The Judge in Lunacy has to be satisfied that "through mental infirmity arising from disease or age" they are "incapable of managing their affairs." We have thus a third class of persons in regard to whom no question of detention is raised and to whom strictly a "Lunacy Act" should not apply. They are, if the mental infirmity be due to age, senile dements; if to disease, probably prematurely senile. But the clause has been found popular and much use has been made of it. It is at least a recognition that mental defect exists outside the definition of lunacy, idiocy, or unsoundness of mind as these terms are defined and used in the Lunacy Act.

Unsound mind. Small property cases. Cozens-Hardy, Vol. IV., 28537. Sec. 116 (1) (e).

759. Sub-section (*e*) is a clause differing from the last, in that "unsoundness of mind" is the condition which justifies application under it, together with incapacity to manage affairs; and it applies only to persons of small property. It creates, however, a fourth way—yet another procedure, for proving unsoundness of mind and incapacity of managing affairs; that is to say, "by the certificate of a Master, or by the report of the Commissioners, or by affidavit or otherwise." In this case also there need be no detention; and, if detention becomes necessary, it is provided by inquisition or by a reception order in the usual way. Further, many who are dealt with under Sub-section (*d*) and (*e*) are not visited either by Lunacy Commissioners or Chancery Visitors.

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The Management and Administration of Property.

Use made of the practice in various Sub-sections of Section 116 of the Lunacy Act, 1890.

Palmer, Vol. IV., 27817.

760. Upon the use of Section 116, Sub-section (*d*) something of a premium has been put. Sub-section (*d*) applies, as we have seen, to mentally infirm people who are not lunatics. "It was very soon discovered that, though all infirm people were not lunatics, all lunatics were infirm, and the solicitors very promptly found out that to claim 2 per cent. percentage fees instead of 4 per cent. (as under the other procedure would have had to be paid) was a very great advantage to their clients, especially as they got their people relieved from visitation either by the Commissioners or the visitors." The saving of 2 per cent. was a valuable thing with an income of £30,000 a year and a still more valuable thing with an income under £50, so that the patients, who before would have been found under the inquisition clause, were subsequently found under the subsection (*d*) as infirm and not lunatic.

Appendix to Vol. IV., p. 427.

761. Statistics respecting the extent to which the Sub-sections of Section 116 have been used, have been laid before us.

During six years (1901 to 1906) the cases dealt with under all clauses amounted to 3,244. The detailed figures are :—

1901–1906.	Sub-section (*a*)	(*b*)	(*c*)	(*d*)	(*e*)	(*f*)	Total.
Totals - -	89	35	1,565	592	941	22	3,244

Under Sub-section (*a*), inquisition, there is practically no increase of cases : they number only thirteen to eighteen in the year.

Under Sub-section (*b*) the number is dwindling constantly : the subsection refers only to cases dealt with on other lines before the Act of 1890 came into force.

Appendix to Vol. IV., p. 427.

Under Sub-section (*c*) come half of the total number of cases—cases "not so found," but certified. They tend to increase : 259 in 1902 ; in 1906, 310.

Under Sub-section (*d*) the mentally infirm cases also tend to increase : in 1906 the number was 113.

Under Sub-section (*e*), cases in which the question of unsoundness of mind and incapacity of managing one's affairs is settled "by the certificate of the Master, or by the report of the Commissioners or by affidavit or otherwise," the numbers keep at about 150 to 160 a year.

Under Sub-section (*f*), criminal lunatics, there are three or four cases a year.

Nicolson, Vol. IV., p. 87, c. 2.

The total number of cases dealt with under the section was—in 1902, 518, and in 1906, 608. The total number of inquisition cases under care is 653. The total number of Section 116 cases (other than those found by inquisition) is 3,129.

Appendix to Vol. IV., p. 430.

762. Another table shows the value of the estates dealt with under these clauses. The first class consists of estates under £20 a year. Of these, under "lunatics so found" there were only eleven ; under persons suffering from mental infirmity, clause (*d*), only twenty—evidence that these clauses are little used by poor people. On the other hand under (*c*), the certified insane and (*e*) the unsound in mind and incapable of managing affairs as proved by affidavit, etc., the numbers are respectively 142 and 433. As regards estates with an income of £20 a year but less than £100, there are 1,379 cases ; and as regards estates with an income of over £100 and paying "Lunacy percentage" there are 1,773 cases, of which 557 are inquisition cases. The lunacy percentage is 4 per cent. on inquisition cases. It produced £16,821. On non-inquisition cases it is 2 per cent., and produced £10,157. The percentage thus produced, £26,978, is enough to pay the expenses of the Court and leave a considerable margin. It is evident that the procedure under Section 116 and especially clause (*e*) is greatly appreciated by owners of small property. All these cases are notified to the Lunacy Commissioners, and they, and not the Chancery Visitors, visit them. A good many would not be certified except for this action on the part of the Commissioners. Those who apply under this clause avoid inquisition, and might otherwise, equally, avoid certification.

Southwell Keely, Vol. IV., 27968.
Needham, Vol. IV., 26924.
Nicolson, Vol. IV., 27413, 27417.

System of certification should harmonise with system for administration of property.

763. Our conclusion is that the system of certification for the person should be brought into harmony with the system of protection for the management and administration of property. The simpler the procedure, the more the advantages of the Act are likely to be utilised. We have suggested that the word "lunatic" should not be used in future statutes, and that under the general term mentally defective there should be several different classes. Under these would come

all those who would now apply for the protection of Sec. 116, and others beside, as, for instance, the morally imbecile. In Class 2 (*see* Recommendation IV.) would come the mentally infirm from age, and the mentally infirm, owing to decay of the faculties. The distinction between control of the person, and control of the property would remain. The test in most cases would be capacity or incapacity "to manage themselves or their affairs." Certification would settle this alternative, and the further question also, whether the person can manage himself, and not his affairs. Or this issue might be set aside, and the certificate, according to what seems to us the better plan, might carry with it incapacity on both counts, for as Master Fischer, a Master in Lunacy, says: "*It is difficult to* see how a person of unsound mind who is incapable of managing his affairs, can be capable of managing himself." At the same time, under our proposals, the courses open to the courts for providing for the care and supervision of these cases, through the operation of the committees for the care of mentally defective persons and of the Board of Control, would be much more various than those which at present exist. Certification would not carry with it one possibility only—detention in an asylum or licensed house or hospital or workhouse. It might carry with it, stay in a voluntary home, or in a "colony," or family care and guardianship. We have therefore no fear that any undue or unduly prolonged detention would result.

System of certification should harmonise with system for administration of property—*contd.*
Budd, Vol. II., 17243, p. 363, c. 1.
Barker, Vol. II., 17073, 17089, 17237, 17239.
Budd, Vol. II., 17354.
Rawle Vol. II., 17384, 17399.
Fischer, Vol. I., p. 155, c. 1.
Preamble (7).

764. We propose in the next chapter to discuss the transfer of the work of the Judge and Masters in Lunacy to the Chancery Division. But, here, we may make the suggestion that it is worthy of consideration whether the percentage levied on property should not be altered at the same time. In Chancery, 2 per cent. is paid for management; possibly the same percentage might be charged on all cases coming under Section 116, and the differences in the charges now made in accordance with different scales of income be abolished.

We recommend in general:—"That the powers and provisions of the Lunacy Act, 1890, relating to management and administration, shall apply to all mentally defective persons as defined in Recommendation IV."

Recommendation X.

CHAPTER XXXVIII.

The Chancery Jurisdiction and the Lunacy Commission.

765. Parallel with, and in some respects overlapping, the jurisdiction of the Lunacy Commissioners is the authority exercised by the Judges of the Supreme Court. To the origin of this authority, we alluded, when we dealt with the constitution and procedure of the Lunacy Commission. Here, we refer to it more at length, specially in relation to the judicial procedure which is in force for the control of the person and the property of lunatics.

The Judge in Lunacy: Historical.

Amongst the insane the common law of England draws a marked distinction between the lunatic and the idiot or "born fool." Edward I., desirous of following the Scottish precedent where the feudal lord had wardship of an idiot's land, laid claim to a wardship of the land of all natural fools, no matter of whom the lands were actually held. "There is reason to believe that the claim was novel, or at any rate there had been a struggle for it between the lords and the King. If idiocy be treated as similar to infancy this analogy is in favour of the lord; at all events if the idiot be a military tenant, feudal principles would give the custody of his land not to the King, but to the lord, while of socage land some kinsman of the fool might naturally claim a wardship. But in England a different rule had been established, and this, as we think, by some statute or ordinance made in the last days of Henry III. The King's right is distinctly stated in the document known as *Prærogativa Regis*, which we believe to come from the early years of Edward I. The same document seems to be the oldest that gives us any clear information about a wardship of lunatics. The King is to provide that the lunatic and his family are properly maintained out of the income of his estate, and the residue is to be handed over to him upon his restoration to sanity, or, should he die without having recovered his wits, is to be administered by the ordinary for the good of his soul; but the King is to take nothing to his own use."

Blackstone, Com. i., 302.
Pollock and Maitland, "Hist. English Law," ii. 481, 2nd ed.

Chapter XXXVIII.
The Chancery Jurisdiction and the Lunacy Commission.

The Judge in Lunacy: Historical — *contd.*

In early days, before the abolition of feudal tenures, there was much law upon this subject of wardship of persons of unsound mind. Lord Coke says that the duty of the King to defend his subjects and their goods and chattels, lands and tenements, extends as well to *non compos mentis* as to an idiot, "but in case of *non compos mentis* the King has not any interest in the lunatic (as he has in the idiot) because the lunatic may recover his memory which he has lost, and therefore in the case of the idiot the law says *Rex habebit custodiam*, but in the case of *non compos mentis, Rex providebit.*" A later writer draws the distinction thus, that if a man were found *purus idiota* under the writ *de idiota inquirendo* the profits of his lands and the custody of his person became in the King's hands. If, on the other hand, he were found lunatic or *non compos mentis*, which Blackstone defines as "one who hath had understanding, but by disease, grief, or other accident, hath lost the use of his reason," and who "is indeed properly one that hath lucid intervals, sometimes enjoying his senses and sometimes not, and that frequently depending upon the change of the moon," the King provided for the patient, preserving his property and profits and taking nothing to his own use.

Beverley's Case, Coke's Report, Part IV., p. 577, 1. James I.

Blackstone, i.,303–5.

It is believed that the royal prerogative in this respect was never exercised except upon office found. As an instance may be cited the return to a writ, *de idiota inquirendo*, dated August 8th, 3 Hen. VII. The Commission was held on October 23rd, in the same year, and the jurors returned, "He is, and for a long time past has been, frantic, lunatic, and an idiot with lucid intervals." Since the abolition in 1660 of the Court of Wards and Liveries the Crown has, by sign manual, delegated its powers and authority to some high officers or officer of justice or State. The practice has been to entrust the Lord Chancellor with the exercise of the royal prerogative in respect of the case of the persons and property of lunatics, a course convenient because he could exercise his jurisdiction as Chancellor in aid of his authority under the royal warrant.

Archbold's "Lunacy," p. 147, 4th ed.
Beverley's Case.

Calr. of Inquisitions, P.R.O., Vol. I., No. 326.

Fitzherbert, "Natura Brevium" 232 B. ed. of 1588 and pp. 232–233 of ed. of 1794 for form of writ and notes.

"In addition to the authority so entrusted to the Lord Chancellor under the royal sign manual at common law, aided by his general jurisdiction as Lord Chancellor, he had certain statutory jurisdiction conferred upon him by various statutes of the reigns of George II. and George III., both in respect of his office as Lord Chancellor and also as, and when, entrusted, by virtue of the sign manual, with the custody of the persons and estates of lunatics, idiots, and persons of unsound mind, so found by inquisition."

Archbold's "Lunacy," pp. 147 and 148, 4th ed.

766. "Subsequently, when the office of the Lords Justices of Appeal in Chancery had been created by 14 and 15 Vict., c. 83, although that statute contained a saving of the powers, authorities, and duties of the Lord Chancellor under and by virtue of any appointment under the sign manual of the Crown, as having the custody of the persons and estates of persons found idiot, lunatic, or of unsound mind, it was found expedient to make out a similar warrant to each of the Lords Justices, and provision was made by Section 11 of 15 and 16 Vict., c. 55, and Section 15 of 15 and 16 Vict., c. 87, for extending to them all the statutory jurisdiction of the Lord Chancellor when so entrusted by sign manual, as well as his other statutory jurisdiction in relation to lunatics."

Lunacy Regulation Act, 1853 (16 & 17 Vict., c. 70).
30 & 31 Vict., c. 87, sec. 13.
38 & 39 Vict., c. 77, sec. 7.

The effect of later statutes has been to give the Lords Justices so entrusted, either jointly or severally, all the ordinary powers, duties and authorities of the Lord Chancellor in Lunacy.

767. By the Supreme Court of Judicature Act, 1875, it was enacted that any jurisdiction usually vested in the Lords Justices of Appeal in Chancery, or either of them, in lunacy, should be exercised by such judge or judges of the High Court of Justice or Court of Appeal, as might be entrusted by the sign manual with the care and commitment of the custody of the persons and estates of persons of unsound mind, and that all enactments referring to the Lords Justices as so entrusted should be construed as if such judge or judges so entrusted had been named therein instead of such Lords Justices.

The Judge in Lunacy: Jurisdiction of, how exercised at present time.

768. Now, by the Lunacy Act, 1890, Section 108, "The jurisdiction of the judge in lunacy under this Act shall be exercised either by the Lord Chancellor for the time being entrusted by the sign manual of Her Majesty with the care and commitment of the custody of the persons and estates of lunatics, acting alone or jointly with any one or more of such judges of the Supreme Court as

may, for the time being, be entrusted as aforesaid, or by any one or more of such judges as aforesaid." The Judges of the Supreme Court now entrusted with lunacy jurisdiction are the five Lords Justices and the Master of the Rolls. For this business, the Lords Justices have the assistance of a secretary, who was appointed upon the coming into existence of the Lunacy Rules of 1883. He is paid by the Treasury, but there is no statutory provision for his appointment.

The Judge in Lunacy: Jurisdiction of, how exercised at present time—*contd.*

James, Vol. IV., 30298–30303.

I. Administrative Powers and Duties.

769. The administrative powers of the judge in lunacy are defined by statute. They apply :—

The Judge in Lunacy: Administrative Powers of.

Lunacy Act, 1890, Sec. 116.

(*a*) To lunatics so found by inquisition.

(*b*) To lunatics not so found by inquisition, for the protection or administration of whose property any order has been made before the commencement of this Act.

(*c*) To every person lawfully detained as a lunatic, though not so found by inquisition.

(*d*) To every person not so detained and not found a lunatic by inquisition, with regard to whom it is proved to the satisfaction of the judge in lunacy that such person is, through mental infirmity arising from disease or age, incapable of managing his affairs.

(*e*) To every person with regard to whom it is proved to the satisfaction of the judge in lunacy by the certificate of a master, or by the report of the Commissioners, or by affidavit or otherwise, that such person is of unsound mind and incapable of managing his affairs, and that his property does not exceed two thousand pounds in value, or that the income thereof does not exceed one hundred pounds per annum.

(*f*) To every person with regard to whom the judge is satisfied by affidavit or otherwise that such person is, or has been, a criminal lunatic, and continues to be insane and in confinement.

770. The extent of the business of the Lunacy authority may be gathered from the following figures :—In December, 1906, the number of existing cases under inquisition was 653, and of those under the other sub-sections of Section 116 (1) was 3,129, of which 347 were dealt with under Sub-section (*d*). In 1905 the number of inquisitions held was eighteen, one with a jury and seventeen without. The number of inquisitions has been rapidly decreasing, and, as an explanation, it was suggested to us that many cases which would formerly have required an inquisition are now dealt with under Sub-section (*d*) of Section 116 (1).

The Judge in Lunacy: Extent of Business.

Ambrose, Vol. IV., p. 154, c. 2.

Nicolson, Vol. IV., 27413.

In 1905, the judge made eighty-two orders and the masters made 1,368, of which 484 were first orders under Section 116, in cases other than those under inquisition. The sums of cash and stock dealt with by these orders amounted to £4,114,789 18s. 2d. In addition, the masters, by certificate, dealt with the lodgment and investment of cash and stock, amounting to £244,819 6s. 8d., while the receipts shown by the accounts of committees and receivers taken during the year were £1,937,045 6s. 6d., and the disbursements £1,645,210 19s. 11d.

771. The general business of the judicial authority, except such as has to be performed personally by the judge in lunacy, is under the supervision and control of the masters.

Masters in Lunacy.

Lunacy Act, 1891, Sec. 27 (1).

There are two masters who are appointed by the Lord Chancellor. The necessary qualification is that the master must be a barrister of ten years' standing. There is no statutory obligation that he should give the whole of his time to his official duties; an obligation which, we think, should be imposed. He holds office during good behaviour, and there is no age limit for retirement. His salary is £2,000 per annum, which is paid by the Treasury. There is no power at present to appoint a deputy master, so that if a master falls ill the business of his office comes to a stop. This defect could probably be cured by the suggested transfer of the masters to the Lunacy Commission, without the need of statutory amendment, under the powers conferred by Section 337 of the Lunacy Act, 1890.

Lunacy Rules, 1892, Rule 10.

Lunacy Act, 1890, Part III.

Lunacy Act, 1890, Sec. 337.

Ambrose, Vol. IV., p. 153, col. 1.

Ambrose, Vol. IV., 29380–29385.

PART VII.
MENTALLY DEFECTIVE PERSONS AND THE LUNACY COMMISSION.

Chapter XXXVIII.
The Chancery Jurisdiction and the Lunacy Commission.

Masters in Lunacy: Summary of Duties.

772. The duties of the masters as summarised in a memorandum prepared in the department and prefixed to the evidence of Master Ambrose, K.C., then a Master in Lunacy, are as follows:—

Ambrose, Vol. IV., p. 154, col. 1.

They hold inquisitions with or without a jury, and while executing an inquisition the master has the powers of a judge of the High Court. Orders for inquisition, with or without a jury, or for the trial of an issue in the High Court in lieu of inquisition, for a traverse, and for a supersedeas, are made by the judge without previous consideration of the applications (which are by petition) to the masters.

The masters performed the duties formerly performed by the Masters in Ordinary of the Court of Chancery relating to all inquiries and matters connected with the persons and estates of lunatics and such other duties as the Lord Chancellor directed by general orders, *e.g.*, they enquired and reported or certified to the judge in lunacy, as to the most fit persons to be appointed committees, the lunatic's kin, fortune, income, maintenance and debts, and any matter affecting his person or estate, and submitted consequential directions or minutes of order for the confirmation and approval of the judge. They further, *inter alia*, approved of the security to be given by committees and receivers, and took their accounts and collected the lunacy percentage, and they still do so.

Lunacy Act, 1891, Sec. 27 (1).

Now, by Section 27 (1) of the Lunacy Act, 1891, it is enacted that "subject to Rules in Lunacy, the jurisdiction of the judge in lunacy as regards administration and management may be exercised by the masters, and every order of a master in that behalf shall take effect unless annulled or varied by the judge in lunacy"; and Rule 10 of the Rules in Lunacy of 1892 authorised the masters to make orders as regards administration and management and costs.

Rules in Lunacy, 1892, Sec. 10.

Vesting orders, and orders requiring Chancery jurisdiction, and orders under the Lands Clauses Consolidation Acts, the Settled Estates Act, 1877, the Settled Land Acts, 1882 to 1890, are made by the judge, the applications being made by summons at Chambers before the masters, who prepare the minutes of the order and submit them, with the evidence, to the judge. Appeals from the master go to the judge. All matters for the judge are brought before him out of court, but may be adjourned by him into court if necessary for fuller consideration. The judges entrusted with lunacy jurisdiction, by arrangement amongst themselves, take duty each for a period of six weeks at a time, and hear cases after four o'clock in their private rooms.

The Masters in Lunacy: Clerical Staff of the Masters.

773. The staff of the office, other than the staff attached to the Chancery visitors, consists of a chief clerk at £800 per annum, seven first-class clerks at salaries, except in one instance, of £500 rising to £600 per annum, four second-class clerks at £250 rising to £400 per annum, and seven third-class clerks at £100 rising to £200 per annum. In addition there is a messenger, who also serves the office of the Lord Chancellor's visitors, at an inclusive salary of £100 per annum.

Ambrose, Vol. IV., p. 153, c. 1.

Keely, Vol. IV., 28196–28208.

The masters appoint the clerks in their office, their number and salaries being determined by the Lord Chancellor with the concurrence of the Treasury. The appointment of the chief clerk must be made with the approbation of the Lord Chancellor. Since the passing of the Supreme Court (Officers) Act, 1879, the clerks must obtain the certificate of the Civil Service Commissioners. There is no age limit. There is no qualification required beyond a medical certificate and the certificate of the Civil Service Commissioners, and apparently a clerk can only be removed from office by the Lord Chancellor, notwithstanding the Civil Service rule as to retirement at sixty-five under Schedule A.

Keely, Vol. IV., 28219–28233.

Keely, Vol. IV., 28306–28312.

The Masters in Lunacy: Costs in Lunacy.

774. Costs in lunacy are at present taxed by and under the direction of the masters, but the actual taxation is performed by one first-class clerk who has a salary of £700 per annum, with the assistance of a third-class clerk. By rules dated December 13th, 1901, provision was made for the amalgamation with the central office, of the taxing department of the Lunacy Office, and the transfer to the central office of the lunacy taxing clerks, but such amalgamation has not been effected. We were told, however, that upon the retirement of the present taxing officer, the transfer would be carried into effect.

Ambrose, Vol. IV., p. 153, c. 2.

775. There are now three visitors, two medical and one legal. Visitors are appointed by the Lord Chancellor as vacancies occur, a medical practitioner in actual practice to succeed a medical visitor, and a barrister of not less than five years standing to succeed a legal visitor. A person shall not be appointed if he is, or has been within the two years preceding, directly or indirectly interested in any licensed house, and if any visitor after appointment becomes so interested, his appointment becomes void. They hold office during good behaviour and there is no age limit, but there is superannuation.

The Lord Chancellor's Visitors: Constitution. Lunacy Act, 1890, Sec. 163. *Ibid.*, Sec. 165. Sec. 164. Nicolson, Vol. IV., 27529–27530. Palmer, Vol. IV., 27738.

Each visitor receives a salary of £1,500 per annum, which the Statute directs shall be paid out of moneys provided by Parliament. It was claimed before us that these salaries, and all other expenses of the offices of the masters and visitors, were paid primarily out of the lunacy percentage fees, the balance of which, after all expenses are defrayed, now amounts to £9,000 more or less, and is paid into the Treasury. But against this it must be observed that should the lunacy fees become diminished, so that no surplus would be payable to the Treasury, the expenses of the offices would none the less have to be discharged out of moneys provided by Parliament.

Lunacy Act, 1890, Sec. 163 (4). Nicolson, Vol. IV., 27377, p. 87, c. 1 and 2. Palmer, Vol. IV., 27790–27791.

In addition, the visitors receive 30s. a day subsistence money when out, and travelling expenses. Visitors in office when mileage was abolished receive 20s. a day subsistence money when visiting in London, but it has not been given to a visitor since appointed. He is put on the ordinary Civil Service allowances.

Crichton-Browne, Vol. IV., 29835–29851.

The visitors have such clerks and officers as the Lord Chancellor may, with the concurrence of the Treasury as to numbers and salaries, determine. The present staff consists of a secretary at £300, senior clerk at £370, rising to £400, second clerk at £200, third clerk at £104. The office hours are from ten to four, except in vacations, when they are from eleven to one. There are always two clerks in attendance.

Lunacy Act, 1890, Sec. 163 (3). Nicolson, Vol. IV., 27377, p. 87, c. 1. Crichton-Browne, Vol. IV., 29706–29712.

776. The duties of the Chancery visitors with respect to visits of inspection and report, are governed by the Lunacy Act, 1890, Sections 183 to 186, the Rules in Lunacy of 1892, rules 100 to 109, and the fifth of the rules of 1893. By virtue of these provisions, every lunatic so found by inquisition is visited twice in every year, the interval between successive visits not exceeding eight months. Every lunatic resident in a private house is visited four times in each year during the two years next following inquisition. As already stated, the number of inquisition cases is 653.

The Lord Chancellor's Visitors: Visitation.

The visitors also visit, when specially required under order of the judge or master, such cases of infirmity or lunacy as are provided for under Section 116 of the Lunacy Act, 1890, other than Sub-section (*a*). The number of cases other than those found by inquisition as given to us were, under Sub-section (*b*), (*c*), (*e*), and (*f*), 2,782; under Sub-section (*d*) 347; in the whole for cases under these sub-sections, 3,129. Persons detained under reception orders under Sub-section (*c*) are not visited by the Chancery visitors, but they can be. They are visited by the Lunacy Commissioners.

Nicolson, Vol. IV., p. 87, c. 2. Ambrose, Vol. IV., p. 154, col. 2. Nicolson, Vol. IV., 27597.

The jurisdiction of the visitors is limited to England and Wales, but occasionally visits are paid to inquisition patients in Scotland by arrangement with the Scottish authorities. Each visitor takes a third of the area covered by the jurisdiction every year in rotation. These areas are known as the Home, Northern, and Western Circuits.

Nicolson, Vol. IV., p. 88, col. 1. Palmer, Vol. IV., 27759–27760. Crichton-Browne, Vol. IV., 29777.

The total number of visits paid in the year ending October, 1906, was given to us as 1,583, or an average of 527 visits by each visitor.

Nicolson, Vol. IV., p. 88, c. 1.

777. We found it impossible to ascertain with precision the amount of time during the year that a visitor has to devote to the discharge of his official duties. Inasmuch as each visitor has his own allotted share of work, he can, with some limitations, do it as he likes. Dr. Nicolson, Lord Chancellor's Visitor in Lunacy, could not say exactly, "We each have our own work to do, and we can do it as we like. . . . There are three months legal vacation at the Law Courts which prevent the masters having the opportunity of sending us special cases. I can take three months' holiday if I like and work nine months. No holiday is allotted at all. I can pick and choose my own time, as I like." Mr. Palmer, Lord Chancellor's Visitor in Lunacy, told us that it was "A recognised thing that visitors cannot get away for more than a fortnight at a time. I do not say it cannot

Nicolson, Vol. IV. 27485, 27490–27491.

Palmer, Vol. IV., 27806–27811.

The Lord Chancellor's Visitors. Visitation—*contd.*

be done, but as a matter of fact I have never done it. I do not like to say that it would have been impossible for me; it certainly would not have been impossible. I might have gone away, as I did this year. As a matter of fact I never have, and the reason which has kept me is that there has always been work at all these times. I cannot say if that is true of the other visitors. We all manage our own affairs ourselves. I cannot say what has been the case with them. . . . In August and September, when Parliament is not sitting, and we have no Board meetings, I have no knowledge of what my colleagues do under those circumstances." Sir James Crichton-Browne, Lord Chancellor's Visitor in Lunacy, said, "Of course I cannot speak for the other visitors, but for myself the longest holiday I have ever had was six weeks, and then I asked special permission of the Lord Chancellor to go out of the country. We get holidays in a fragmentary way. I have had a month again and again. You get your instructions, and if you can go through them rapidly and clear off your cases, particularly in the long vacation, when there are no specials coming in, then you can take a month at a time." The visitor "takes his holiday when he likes; he is asked no question; he must do his work, and must be there to take the specials when they arise."

Palmer, Vol. IV., 27811.

Crichton-Browne, Vol. IV., 29870–29871.

Palmer, Vol. IV., 27712–27719, 27753.

The reasons adduced for this uncertainty of time appear to be, put shortly, as follows:—Each visitor has to make a certain number of routine visits in each quarter of the year; how he makes them is left to his discretion. But there have been orders from the Lord Chancellor that he is not to make more than a certain number on a certain day, or to a certain place, but with that exception it is left to the discretion of the visitor. He is liable occasionally to have special inquiries put upon him by the master when sitting, on an average about twenty to each visitor. In addition a visitor may visit a case at odd times, and he has frequent correspondence with patients' committees and their medical attendants. He has also office duties and board meetings to attend. The board meets nominally once a month, "We try to have always eleven, and we have special boards from time to time."

Crichton-Browne, 29732–29733, 29743.

Crichton-Browne, Vol. IV., 29725.

Nicolson, Vol. IV., 27521, 27534, 27674–27675.
Palmer, Vol. IV., 27735.
Crichton-Browne, Vol. IV., 29741–29743.

778. The impression produced upon us by the evidence on this head is that, although it may be difficult for a visitor to take a long holiday in any year, the amount of spare time at his disposal at intervals during that period is not illiberal. The visitors do not complain of too much work, but Dr. Nicolson and Mr. Palmer do not think that the number of visitors can be reduced. Sir James Crichton-Browne, on the other hand, is of opinon that two visitors could do the work at present.

Lunacy Act, 1890, Sec. 166.
Nicolson, Vol. IV., 27613–27615.

The visitor can appoint a deputy, if necessity arises by reason of illness or unavoidable absence, but not otherwise, with the approbation of the Lord Chancellor. A Lunacy Commissioner, under similar conditions, has to apply to the Lord Chancellor to appoint a substitute. The masters are visitors *ex officio*, but they do not act in that capacity. They may visit on their own account, and have done so, but, if a visit has to be paid, they usually ask a visitor to make it.

Lunacy Act, 1890, Sec. 168 (1).

Lunacy Act, 1890, Sec. 151 (3).

Nicolson, Vol. IV., 27618–27621.

The function of the visitor is to report and to recommend. He has no power to compel. He can only refer the matter to the master for action.

The Lord Chancellor's Visitors. Cost.

Ambrose, Vol. IV., p. 154, c. 2.

779. The total cost of the departments of the masters and visitors for the year ending March 31st, 1906, was given to us as follows:—

Masters: Salaries, £11,530 13s. 4d.; Travelling, £136 2s. 8d.; Pensions, £913 6s. 8d. Total, £12,580 2s. 8d.

Visitors: Salaries, £5,491 9s. 2d.; Travelling, £1,420 13s. 11d.; Pensions, £213. Total, £7,125 3s. 1d.

Add for messenger common to both departments, and we have a grand total of £19,805 5s. 9d.

This represents the cost of providing for:—

653 patients found by inquisition, 3,129 patients under Section 116, Sub-sections (*b*), (*c*), (*d*), (*e*), (*f*), of whom those under (*c*) are not visited except specially. Total, 3,782 patients.

Trevor, Vol. IV., p. 6, c. 1.

Here we may compare the cost of the Lunacy Commission.

Trevor, Vol. IV., p. 18.

On January 1st, 1906, there were 116,361 patients to be visited.* The cost of the Commission for the year 1904–5 as returned to us was £14,752 9s. 4d.

780. Lunacy percentage is paid to the judicial authority at the rate of 4 per cent. per annum on the clear annual income, amounting to £100 per

* The cost of the Commission, 1906–7, was (net) £15,618 8*s.* 11*d.* (Appropriation Accounts).

annum and upwards, of lunatics so found by inquisition, with a limit of £400 in any one year; and at the rate of 2 per cent. on the income amounting to £100 per annum and upwards of lunatics not so found, and of persons included within the scope of Section 116 (*d*) with a limit of £200.

The Lord Chancellor's Visitors. Cost—*contd.* Ambrose, Vol. IV., p. 154, c. 2.

In addition, fees are charged and are taken in stamps. The amount put before us, as that contributed by lunatics' estates, by percentages and fees during one year was £26,943 for percentages and £5,033 10s. for fees. The Lunacy Department earns enough money by fees and percentages to pay the salaries of the Masters and Visitors, and their respective staffs, and to leave a surplus of over £11,000 a year. It was pointed out in the Report of Sir G. Jessel's Committee in 1882 that the State ought not to derive any portion of its general revenue from the contributions levied on the property of Chancery Lunatics incurred in protecting their interests. In the Chancery Division, percentages are also taken in certain matters, and, in the event of a transfer of business to that quarter, it would probably be found expedient to re-arrange the percentages in lunacy to bring them into conformity with those levied in Chancery.

Keely, Vol. IV., 28326—28333. Ambrose, Vol. IV., p. 154, c. 2. Baker, Vol. IV., 33273.—89. Appendix, Vol IV, p. 446.

II. Suggested Amalgamation of the Judicial Authority and the Lunacy Commission.

781. At the present time, there are two high authorities in Lunacy working side by side, and, to some extent, overlapping in their jurisdiction. On the one hand, we have the judicial authority of ancient origin, based on the prerogative of the Crown, and operative to protect the comparatively few lunatics and persons of unsound mind who are possessed of property. On the other, we have the Lunacy Commission, established by statute, founded with the object of preventing abuses and generally for protecting the persons of lunatics, irrespective of property qualification. The amount of business transacted by the former is less than that imposed upon the latter. The former, admittedly, is not overworked. The latter has been working under severe pressure for years, and an increase of its staff is called for. It is therefore of great importance to consider whether an amalgamation, in whole or in part, of the two authorities would be expedient, and if so, in what way it could be best effected.

The present position of the existing Central Lunacy Authorities.

782. Various suggestions have been put before us for the constitution of a central authority to which should be entrusted not only the duties now discharged by the above-named two lunacy authorities, but also such further and extended jurisdiction with respect to all mentally defective persons, not at present within their care, as might be recommended by us. In this part of our Report, however, we shall confine ourselves to the consideration of a proposal to amalgamate the judicial authority with the Lunacy Commission.

Suggestions as to constituting one Central Authority.

The views of the Lunacy Commission, and of the judicial authority, as represented by the masters and Chancery visitors, upon this question were diametrically opposed. The Lunacy Commissioners were unanimously of opinion that some such fusion was necessary. Whether the Commission absorbed the Chancery staff, or *vice versa*, did not seem to them a matter of so much importance. On the other hand, the masters and Chancery visitors were strenuously of opinion that their isolated position should remain unimpaired; that, no matter what should be recommended as to a central authority, the judicial machinery should not be touched.

It will be useful to state here the effect of the evidence directly bearing upon this branch of our inquiry.

783. First, as to the views of the Lunacy Commissioners:—

Views of the Lunacy Commissioners.

Sir John Dorington, an honorary Commissioner of considerable experience, said:—"I ventured to make the suggestion that the masters in lunacy with their visitors and the Commissioners, should all be amalgamated into one board, and that one of the masters in lunacy should be chairman of this board. You would then get your paid chairman at no increase of expense. You would have the two departments brought in connection with one another, and I think myself that the distinction between them is a very inconvenient one for administration; you get constant crossing between the two. One body is supposed to look after property, and the other after the mental condition. . . . You asked me whether I wanted to absorb the Chancery visitors in the Lunacy Commission or the other way. I think it is a matter of entire indifference. I think you might very well abolish the

Dorington, Vol. IV., 25470. Dorington, Vol. IV., 25511.

Views of the Lunacy Commissioners—*contd.*

Commissioners in Lunacy, and found your new body on the masters. There is no objection to doing it in that way. You would arrive at the same result." Upon the question of double visitation, the witness said, "I do not see very well how it could be got rid of. These 695 I mentioned, are all under the direct jurisdiction of the Chancery visitors, but they are actually living in institutions which are necessarily visited by the Commissioners, and therefore they come under a double inspection." He explained that what he thought desirable was that the Lunacy Commissioners should be brought into closer connection with the judge in lunacy, but not that the whole jurisdiction of the Commissioners should be brought under the control of the judge in lunacy, or of a law court of any sort. "My idea was that you ought to be able to find the judge in lunacy within the composition of the board. I believe the masters in lunacy are the judges in lunacy; if they were the head of the Lunacy Commission, you would have the judge in lunacy within the composition of the board. . . . The present Commission works extremely well within its scope. In any alteration, its scope should not be lessened."

Dorington, Vol. IV., 25536.

Dorington, Vol. IV., 25739 and 25741.

Cooke, Vol. IV., 25825.

Dr. Cooke, a Commissioner in Lunacy, was asked whether it would be better, in his opinion, that there should be amalgamation of the Commission and the Chancery Visitors. His reply was in the affirmative, "provided on further investigation it is found feasible to work in the visitation now performed by the visitors with that performed by ourselves. If there were amalgamation and reorganisation, I think instead of creating another small department for the care and control of the feeble-minded, and so perpetuating a continuance of the present dual system, it would be better, on the whole, to have one general body." He added that, "Although Sir George Jessel's Committee, or the majority of that committee, was averse from amalgamation, in the Lunacy Act, 1890, provision was subsequently made giving power to the Lord Chancellor to amalgamate the two departments. Amalgamation would be a way whereby our Commission might be increased to an adequate extent without throwing any additional or only a very small additional burden upon the country. But we ought to have the power of single visitation as well. If our Commission were strengthened by the visitors being joined to us and with single visitation, I think we ought to be able to carry on the work of the Commission satisfactorily in the future. I am of opinion that it is absolutely essential that the power of single visitation should be conferred upon us. . . . Supposing the visitors were called Commissioners, or we were called visitors, I think they should be distinct from the masters; there would be so much for the masters to do, and their functions are so distinct from the duties of Commissioners, that, I think, it would be desirable to maintain the difference between the two, although the departments might be associated and called one. The functions of the masters should remain as at present, and they who have to discharge the duties of the masters should be quite distinct from those who have to discharge the duties of the Commissioners. I think they might do it as part of our department, but yet remain a different class of official from the Commissioners. All the Commissioners should be required to do the same work, and the same work as we do now, and that should not be mixed up with the purely judicial functions of the masters, nor with the other duties now performed by them. . . . If there were a concentration of the Commission business, Chancery business and Chancery masters, that would work all right, and you would have your two masters practically acting as part of the Commission."

Cooke, Vol. IV., 25863–25866.

Cooke, Vol. IV., 26259–26264.

Cooke, Vol. IV., 26312–26313.

Urmson, Vol. IV., 26628–26636.

The evidence of Mr. Urmson, then a Commissioner in Lunacy, on this point was as follows:—"(*Q.*) With reference to amalgamation of the Chancery department with yours, that has been frequently advocated, has it not? (*A.*) Yes. It has been in the air frequently. (*Q.*) I think I am right in saying that it was recommended in the Commission of 1860, and a scheme for effecting it has frequently been suggested; the Select Committee of 1859 recommended it in their Report in 1860, and a scheme for effecting it is embodied in one of the appendices to their report. The present section" (Section 337 of Lunacy Act, 1890) "is the outcome of the labours of the Dillwyn Committee, that is the section which enables the Lord Chancellor to amalgamate: the Dillwyn Committee recommended it? (*A.*) Yes, the Lord Chancellor has the power. (*Q.*) Has any attempt been made by the Commissioners to have that put into force?

(*A.*) No, it is rather an invidious thing for us to start. (*Q.*) Is it your idea, if there is an amalgamation, that precedence should be given to the Lunacy Commissioners or to the others? (*A.*) We have no preference. (*Q.*) Who should absorb whom? (*A.*) I do not care at all. (*Q.*) Do you not think great economy might be achieved? (*A.*) Yes. (*Q.*) And that the time is ripe for it? (*A.*) I do." Views of the Lunacy Commissioners —*contd.*

Mr. Shadwell, a Commissioner in Lunacy, said that he did not differ from the other Commissioners. He did not understand why it was necessary to have two sets of visitors. Shadwell, Vol. IV., 27052, 27056.

It will be noted that in this evidence no reference is made to the functions of the judges of the Supreme Court entrusted with lunacy jurisdiction. The Commissioners appear rather to have considered the question in its visitatorial aspect, and with reference to the powers, administrative and otherwise, of the lunacy masters acting apart from the judge.

784. It will, therefore, be convenient to consider next the opinions of the Chancery visitors on the proposed amalgamation from the visitorial point of view, leaving the question of administration and the exercise of court or judicial powers to be dealt with later in connection with the specific proposals which were put before us for the transfer of such duties to the Chancery Division of the High Court. Suggestions as to constituting one Central Authority. Opinions of the Chancery Visitors.

Master Fischer, a Master in Lunacy and *ex officio* visitor, gave his opinion thus:—"I think it would be a serious mistake to amalgamate the visitors with the Lunacy Commissioners, because the work of the Lunacy Commissioners is with a totally different class of people; almost all of them are people in county asylums and institutions of that kind, and they have as much work as they can get done; they are overworked, I believe, and they want more Commissioners. What I object to strongly is that you should put more work on the shoulders of the Chancery visitors who are fully employed and who do their work exceedingly well, if I may say so. . . . It is the fact that the essential difference between the two departments is possession of property, and no possession of property. An allowance is made out of a man's estate for his maintenance, and the visitor sees that that money is spent upon his maintenance, so that in addition to looking into his mental condition, they see to the mode of treatment of his property to ensure that he is getting its value. The visitors, if they notice that further expenditure is required, or would be beneficial to the lunatic, refer it to the master and the master makes that provision as soon as possible." "(*Q.*) Would it not be possible if there were an amalgamation for one of the Lunacy Commissioners to take over the duties of the Chancery visitors, to look specially after those matters concerning the patient and his property which are now looked after by the Chancery visitors? (*A.*) I do not think any one Lunacy Commissioner could do it. It cannot be done by less than three. (*Q.*) Then three Lunacy Commissioners could do the work; there is nothing in the work itself which requires a special official to do it, is there? (*A.*) No. (*Q.*) So a qualified Lunacy Commissioner could do that work just as well? (*A.*) A qualified Lunacy Commissioner could do it, no doubt. Of course, among the visitors we have two medical men and one legal man; that is found to be sufficient for all purposes. The Lunacy Commissioners work in couples, as we know. There is a medical man and a legal man who go together. (*Q.*) But suppose we re-adjust the Lunacy Commission. Is there any reason why one of the Commissioners, or two, or three, should not discharge the same duties which are now done by the Chancery visitors? (*A.*) Not that I am aware of. I am not concerned with the unfortunate people who are in county asylums, and places of that kind, but speaking for those who are under the care of the Lunacy Department, I say that they are properly taken care of by these visitors, and why should they be interfered with? For the life of me I cannot conceive." Fischer, Vol. IV., 30069–30074. Fischer, Vol. IV., 30075–30078.

785. In the statement by Sir James Crichton-Browne, Lord Chancellor's Visitor in Lunacy, prefixed to the minutes of his evidence, he states that his board has considered the matter, and is of opinion that any fusion of the boards or offices is undesirable. He gives reasons which, shortly summarised, are these. The visitors are an adjunct to the courts of law, and their assistance is necessary for the administration of justice. It is, therefore, necessary that Crichton-Browne. Vol. IV., p. 162, p. 1.

Suggestions as to constituting one Central Authority. Opinions of the Chancery Visitors—*contd.*

they should be in some place near the courts. The whole of the information upon which the visitors act is derived from the master's office. The visitors are in frequent communication with the judicial authority, and the official solicitor:—"It would be to them highly inconvenient and confusing to have to attend on the same business at two offices distinct from, and at some distance from, each other. The separation of the masters' and visitors' departments would be equally inconvenient to solicitors concerned in lunacy cases, and would probably increase the costs." Another reason was that if duties were distributed "The Commissioners, then nine or ten in number, could not possibly have that intimate personal knowledge of the Chancery cases which the visitors possess. The relations of Chancery patients would, in some instances, be distressed to have their family affairs discussed by a large board, twelve or fifteen in number, for privacy and secrecy have always been characteristic of the visitors' department." He does not think that a saving in clerical staff would result, and, lastly, he considers it would be unjust that officials who are paid entirely by Chancery lunatics should be employed at the expense of the latter in work in which they have no concern. This last reason is of course founded on the fact that percentages are charged by the Chancery authority in respect of cases under that jurisdiction. We have dealt with that point elsewhere.

Crichton-Browne, Vol. IV., p. 162, c. 2.

Crichton-Browne, Vol. IV., 29583–29588. Report of a Committee appointed by the Lord Chancellor in 1882. Vol. IV., p. 447.

786. In his evidence, Sir James Crichton-Browne repeated his objection to amalgamation. He stated that he gave evidence before Sir George Jessel's Committee and he still adheres to it. "(*Q.*) The Committee reported against it? (*A.*) Yes, by a majority. There were two in favour of amalgamation and three against. (*Q.*) That Committee reported that it was a subject which ought to be reconsidered very shortly? (*A.*) I believe they did. (*Q.*) The finding of the Committee is not very decidedly against amalgamation? (*A.*) No. (*Q.*) In fact they went as near advising amalgamation as they could without advising it? (*A.*) They did not advise it." Referred to the Report of the Dillwyn Committee, the witness said that he gave evidence before it. "(*Q.*) They reported in favour of amalgamation? (*A.*) Yes, but their recommendation was not embodied in the subsequent legislation." He certainly did not agree with the finding of that Committee that "The possession of property requiring protection should not make any difference in the personal treatment of lunatics or in the supervision exercised over them. I think the Chancery lunatics having property and means are entitled to an entirely different form of treatment." "Every lunatic should be sufficiently and efficiently inspected. (*Q.*) Why should the Chancery lunatic get double inspection, and the pauper, in some cases, none at all? (*A.*) In the case of the pauper there is not the same motive for detention or pecuniary misappropriation. If a man is maintained out of the rates nobody has an object in keeping him shut up. In the case of the Chancery patients there are a great many people who have an interest in having them remain lunatics, so that they require a very special kind of supervision. . . . If the Lunacy Commission is to do it, it would involve an entire reconstruction of the law. If the visitation of Chancery lunatics were thrown on the Lunacy Commission they would have to nominate two medical Commissioners to devote themselves exclusively to that work. (*Q.*) If we assume that the duties of the Lunacy Commissioners are differently arranged, are they in any way incompetent to do the duties? (*A.*) Certainly not. It is not their competency, but their physical capacity I doubt. They would require two additional men to do it, and I think that there would then be great inconvenience in the Chancery work. If the administration of the Chancery Court is to remain, the visitor has to be near the courts, and ought to have constant opportunities of communicating with the masters and the Lords Justices. . . . The Commissioners are capable of performing every duty of the visitors, but it would be incompatible with their existing work. (*Q.*) Are there any duties which you discharge which could not be done by the Lunacy Commissioners? (*A.*) Certainly not. There are no duties which cannot be done by a physician or by a Commissioner in Lunacy or by any other person thoroughly qualified for it." Sir James Crichton-Browne was of opinion that patients properly under Section 116 (*d*) should not be visited. "I would not put the stigma on them of having lunacy visitors sent to them."

29591–29592.

Vol. IV., 29593.

Vol. IV., 29598–29599.

Vol. IV., 29601.

Vol. IV., 29602.

Vol. IV., 29624.
Vol. IV., 29627.

Crichton-Browne, Vol. IV., 29649.

Suggestions as to constituting one Central Authority. Opinions of the Chancery Visitors—*Contd.* Nicolson, Vol. IV., 27533.

787. Dr. Nicolson, another of the Lord Chancellor's Visitors in Lunacy, was also against amalgamation. His views seem to be summed up in the following answer. "There are several points of view from which that question could be approached. First of all there is the question how far the Commissioners and ourselves could do all the work. I have no doubt we could, by the addition of three to the Commission; but with regard to the question of the patients who, so far as the Board of Commissioners are concerned, form the prime portion of all our work and duty, we have to consider the patients who are first of all compelled to be labelled as lunatics, and in the second instance have their property removed from their own disbursement, and who pay for this out of their own income; I say that they have the first right to be heard in a matter of this sort, on the old principle that the man who pays the piper should call the tune. I think that the patients regard us just as they would regard the Commissioners if they were all made visitors; they regard us as their special patrons, their friends, and their consultant legal and medical advisers. If you mix us up with the general Board of Lunacy of the country you give them a grievance which must be permanent. If you are prepared to face that first difficulty—I say it would be wrong to do it—and make arrangements for the work to be done, I have no doubt that the Commissioners and ourselves could carry it out efficiently and thoroughly, so far as the mere Commission and visitation are concerned."

Opinion of general witnesses. Mercier, IV., p. 176. *e.g.*, Spence, IV., p. 252, c. 1. White, IV., p. 232, c. 2. Stratton, IV., 31631 Muir-Mackenzie, 34604–15, 34810, 34881–3, 34909. App. vol. V., pp. 227–228.

788. Dr. Mercier, speaking from a position outside both the authorities under consideration, was of opinion that their amalgamation could be effected with advantage, but he advised the joinder with them of other bodies public and otherwise, in view of our possible recommendations. Other witnesses were in favour of an amalgamation of the Lunacy Commission, the masters in lunacy, and the Chancery visitors. The transfer of powers of control and management of lunatics' estates to the Chancery Division was recommended by the Lancashire Asylums Board, the Guardians of the West Derby Union, and the Manchester Board of Guardians.

III. The Scheme of Amalgamation Suggested by the Master of the Rolls.

Suggestions of Cozens-Hardy, M.R. as to constituting one Central Authority.

789. A comprehensive scheme was put before us in outline by Lord Justice Cozens-Hardy, now Master of the Rolls, one of the judges entrusted with the lunacy jurisdiction. Stated shortly, it contemplates the fusion of the Chancery Authority with the Lunacy Commission, so far as visitation and the holding of ordinary inquisitions, where an issue was not directed, are concerned, and the transfer to the judges and staff of the Chancery Division of the judicial authority, and the business of administration and management.

Cozens-Hardy, L.J., Vol. IV., p. 116–117.

"I should like," he says, "the whole of the lunacy jurisdiction now exercised by the masters and the judge in lunacy to be transferred to the Chancery Division of the High Court, and the jurisdiction of the masters, as separate officials, to be abolished."

"With the exception of the first step, viz., the inquisition, there is the closest possible analogy between the aim and object of the Chancery Division in taking care of and administering the estate of an infant, and providing for his maintenance and custody, and the aim and object of the lunacy authorities in taking care of and administering the estate of a person of unsound mind and providing for his maintenance and custody. In the Chancery Division these duties are discharged with reasonable despatch and with admirable care. Thanks to modern changes in procedure, the number of accounts to be taken and receipts to be vouched in the Chancery Division has been steadily diminishing, and I do not apprehend that the chambers of the judges of the Chancery Division would be blocked by the addition of the whole of the lunacy work. The change would be economical, but, what is more important, it would tend to efficiency. A judge in the Chancery Division is head of a large staff for whom he is, in great measure, responsible. If his attention is called to any lingering delay he can at once send for the master in charge, ask for explanations, and secure improvement. This is not so in lunacy. The judge has no responsibility for, and no control over, the lunacy masters. I feel myself powerless to correct anything that may seem wrong. Moreover, in the Chancery Division, there is always somebody ready to deal with urgent matters—the vacation master and the vacation judge. In administrative details, this is of great importance.

Suggestions of Cozens-Hardy, M.R., as to constituting one Central Authority—*contd.*

"If this is sound in so far as the administration of the lunatic's own property is concerned, it is almost too clear for argument that the trustee work (including mortgages) should be transferred to the Chancery Division. Appointment of new trustees, with vesting orders, is part of the regular business of that division. If a trustee is abroad, or cannot be found, you go to the Chancery Division. Why not if he is a lunatic? I never heard any argument in support of this anomaly. It not infrequently happens that an order has to be made both in Chancery and in lunacy, and this is highly perplexing. Cozens-Hardy, L.J., Vol. IV., p. 117, c. 1.

"As to the inquiry itself, that is a matter which is not administrative in character. In the majority of cases there is no opposition on the part of the alleged lunatic, and the result is almost a foregone conclusion. And even when there is opposition there may be no demand for a jury. In all such cases one of the Commissioners, by preference one of the legal Commissioners, might hold the inquiry. But where the question of unsoundness of mind is really in issue, and a jury is demanded, a trial before a master is scarcely satisfactory. A judicial officer of high rank and considerable experience ought to be called in. And this can be done by directing an issue to be tried before a judge of the High Court (Section 94), as was done in two recent cases with great advantage. The order directing an issue, which is now made by the lunacy judge, might just as easily be made by the Chancery Division judge. In short, I would have the inquiry conducted by one of the Commissioners in every case except where an issue is directed."

Cozens-Hardy, L.J., Vol. IV., 28457.

790. In answer to questions by us, his Lordship said, "My strongest feeling, I confess, is about the absurdity of requiring the lunacy judge to make vesting orders, and appoint new trustees, and deal with mortgages and so on. The Chancery Division have no jurisdiction in that way [in lunacy] as matters now stand. That is business which is designed and intended for the Chancery Division, and there is no possible reason why that should not go to its natural place."

Vol. IV., 28494.

791. In explanation of so much of the scheme as relates to the holding of inquisitions he said: "At the present moment, as Lord Justice, I make an order for an inquiry. That goes before one of the masters; then I have done with it for the present. If the matter were transferred to the Chancery Division the judge would make the order for the inquiry, either before a Commissioner, if it were practically unopposed, or by an issue to be tried before a judge of the High Court. I have a very strong feeling that in contested cases, one of which we had recently, and another of which came before me personally, and gave me a good deal of trouble, it is extremely desirable that a judge of the highest position and experience should deal with what is one of the most difficult problems which can be presented to any man. I think it ought not to be dealt with by anyone but a judge of the first rank."

Nature of work done by the Judge and Masters in Lunacy.

792. Mr. Christopher James, barrister at law, who has held the office of "Secretary to the Lords Justices for Lunacy business" since the year 1883, furnished us with a statement showing the nature of the business at present transacted by the Lords Justices and the masters in lunacy, and explanatory of the manner in which such business would be conducted if the scheme recommended by Lord Justice Cozens-Hardy were adopted. This statement is prefixed to the printed notes of the evidence given by Mr. James. James, Vol. IV., pp. 193–194.

James, Vol. IV., p. 193, c. 2.

793. The following is a short sketch of the nature of the work done by the Lords Justices and the masters. The business in lunacy may be classed under four principal heads:—

A. Proceedings antecedent to an inquiry into the lunacy of a person alleged to be of unsound mind; the inquiry itself; and proceedings for a supersedeas by which the insane person is upon recovery restored to the management of himself and his affairs.

B. The management and administration during lunacy of the property of a person who has been found by inquisition of unsound mind, or of a person whose property may, under Clauses (*c*) to (*f*) of Section 116 of the Lunacy Act, 1890, in effect, be administered as if he had been found of unsound mind.

C. The supervision of the lunatic in regard to his residence, maintenance, and treatment.

D. The dealing with property not strictly belonging to the lunatic, but as to which he is trustee or mortgagee and by reason of his lunacy unable to act. In these cases the lunacy authority has, in regard to trusts, power to substitute new trustees for the lunatic and to vest the trust property in them, and in regard to mortgages power to vest the property, as upon a reconveyance, when the mortgage is paid off. Nature of work done by the Judge and Masters in Lunacy —*contd.* James, Vol. IV., p. 193, c. 2.

There are minor matters in which jurisdiction is exercised, *e.g.*, under Section 134 of the 1890 Act for the purpose of dealing with property in this country of lunatics residing abroad, but the above four heads will be found to cover the principal branches of lunacy business.

794. Passing for the moment over *A*—

As to B. there seems to be no good reason why the property of a lunatic should not be sold, leased, invested, and otherwise managed and applied in the same way and by the same jurisdiction as the property of an infant, *i.e.*, by the Chancery Division of the High Court. Exactly the same considerations seem to apply to both cases, and the principle to be followed is in each case the same, *i.e.*, to do what is most for the benefit of the incompetent owner; and the appointment of a committee of the estate has a strong analogy to that of a guardian of the estate of an infant. James, Vol. IV., p. 194, c. 1.

As to C. The care of a lunatic is entrusted to a committee of the person appointed by the lunacy authority through whom that authority acts. This appointment is analogous to that of a guardian of the person of an infant. There is, however, in lunacy, a further and important supervision exercised over the care and treatment of a lunatic *so found*, by the periodical (or special) visits of the Lord Chancellor's visitors who keep in touch with the patients under their care and periodically report to the Lord Chancellor upon them. These reports might with equal facility find their way to the Chancery Division as to the Lunacy Office. Whatever amendment be made in the Lunacy Law it is matter for consideration whether some arrangement might not be advantageously made by which these periodical visits could be extended to some, if not all, of the persons *not so found* whose property is being administered in lunacy and who at present are only visited by one of the Lord Chancellor's visitors when special directions are given for a visit or visits.

As to D. It is really an anomaly that this branch of the jurisdiction should not be exercised by the Chancery Division, which exercises a similar jurisdiction in other cases of incompetent trustees and mortgagees, *e.g.*, infancy, absence from the United Kingdom, etc.

It remains to deal with *A*. So far as the proceedings antecedent to an inquiry are concerned, they are almost always of a more or less formal character, the only question being whether there is established by affidavit a sufficient *prima facie* case to justify the holding of an inquiry.

795. So far as the inquiry itself is concerned, the cases may be sub-divided into two classes— James, Vol. IV., p. 194, c. 1.

(1) Those in which the inquiry is not opposed by the alleged lunatic. This class comprises by far the larger proportion of the cases. In these an inquiry is held without a jury before a master in lunacy, the evidence is probably all in the same direction, and the result in most cases a foregone conclusion. Such cases do not seem to require the aid of great judicial experience.

(2) Those in which the question of unsoundness of mind is really in issue, and these give rise to trials before a master in lunacy generally with a jury, which are obviously of the greatest importance to the alleged lunatic. There is in the Lunacy Act a power, which on some rare occasions has been exercised, of ordering these trials to take place before a judge of the High Court. It would seem not unreasonable that trials of this nature should in *all* cases be held by a judge of the High Court who might be either a judge of the Chancery Division, or the issue being really unconnected with the subsequent administration of the property which may result from it. a judge of the King's Bench Division.

796. We think upon the evidence that where an issue is not directed by the High Court or a jury is not demanded or thought necessary such inquiry with regard to the question whether or not a person who has property is suffering

Nature of work done by the Judge and Masters in Lunacy—*contd.*

Recommendation VIII.

from mental defect as defined in Recommendation IV., and is incapable of the responsible control of himself and his affairs, might be disposed of by one of the legal Commissioners in Lunacy, assisted, if necessary, by a medical Commissioner, while all opposed cases were disposed of by a judge of the High Court with or without a jury according, as at present, to the desire of the party affected. In the former cases the ancient right to traverse, under that or some other name or form, might be preserved as a protection to the party affected in the improbable case of the finding being wrong, while in the latter case, in which there would have been a full trial, it might be abolished.

With regard to supersedeas, the consideration of this question depends almost entirely upon medical opinions as to whether the party affected has recovered or not, great weight being attached to the Visitor's Report. The jurisdiction might be exercised as well by the Chancery Division as by the present authority in lunacy.

797. As to present practice. The masters in lunacy have, under the Lunacy Acts of 1890 and 1891, full power to deal with cases under the heads B and C, there being a right of appeal from their orders to a Lord Justice. Cases under A are dealt with by a Lord Justice only, except the holding of the inquiry, the practice as to which has been already explained. For reasons before appearing there seems to be no sufficient ground for retaining cases for ordering an inquiry, or cases of supersedeas, to be dealt with by a Lord Justice only. Orders under D are at present made by a Lord Justice only and form the greater part of the business done by the Lords Justices. Whatever other changes may be made, it is suggested that a transfer of these cases (D) to the Chancery Division would simplify the procedure in relation to trusts and vesting orders, the present dual jurisdiction being a source of confusion and perplexity in the minds of practitioners. There are also some cases of administration (*e.g.*, dealing with property under the Settled Land Acts or the Lands Clauses Consolidation Acts) in which orders have to be made both in Chancery and in lunacy, and therefore can only be made by a Lord Justice acting for this purpose as a Judge of the Chancery Division. A transfer of the lunacy jurisdiction to the Chancery Division would simplify these.

Suggestions as to constituting one Central Authority. Opinion of the Judges and Officers of the Chancery Division.

798. A considerable body of evidence bearing upon this proposal was afforded us by judges and officers of the Chancery Division.

The Right Hon. Sir Arthur Kekewich, the senior judge of that division, laid a Statement before us, which had been submitted to and had received the approval of all the judges of the division. We extract the following passage which bears directly upon the question under consideration.

Kekewich, J., Vol. IV., p. 334.

"It has been proposed that the jurisdiction in lunacy now exercised by the Lords Justices with the assistance of two masters in lunacy and a staff of clerks shall be transferred to the Chancery Division and be exercised by the judges of that Division and their masters. I am not sufficiently acquainted with the transaction of business in lunacy to express an opinion whether such transfer would be of advantage, but I am clearly of opinion that the business could properly be done by the judges and masters of the Chancery Division, all of whom are necessarily familiar with business of an analogous character. I do not think that the judges would have any difficulty in finding time and convenient opportunities for the disposal of such part of the business as would properly come before them, and although I cannot speak so certainly about the masters, I believe that they also could undertake their part. . . . The Chancery business is distributed among six judges, working in groups of two each, with four masters attached to each group and I think that if the lunacy business were transferred it ought to be distributed in like manner."

Sir Arthur Kekewich explained to us that he assumed that it was not proposed to transfer the duty of holding inquisitions, which the Chancery judges could not undertake, but he agreed that if the judges of that Division were constituted the judge in lunacy there would not be the slightest difficulty in any one of them ordering an issue to be tried before a judge of the King's Bench Division or an ordinary inquiry to be held before a Lunacy Commissioner. Nor could medical visits be taken in hand by the Division, but there would be no difficulty in giving directions to or obtaining advice from the Lunacy Commissioners or whoever might have the charge of the patient or the direction of the committee of his person.

Kekewich, J., Vol. IV., 33528–33542.

Kekewich, J., Vol. IV., 33556–33562.

Suggestions as to constituting one Central Authority. Opinion of the Judges and Officers of the Chancery Division—*contd.*

799. Master Burney, who has been one of the masters of the Supreme Court for twenty-nine years and who had carefully considered the scheme, was unable to see any reason why the business of administration could not be transacted quite as efficiently and quite as economically in the Chancery Division as in the Lunacy Department, assuming that, in the event of transfer, the staff in lunacy would be distributed between the several Chancery Chambers. With this additional assistance he was of opinion that the extra work, even though the number of accounts should be largely increased, could be done with reasonable dispatch. The whole trend of modern practice in the Chancery Division had been in the direction of avoiding the lengthy and expensive accounts which were an essential part of every decree for administration under the old system, and probably year by year the number of such accounts will become less. The transfer to the Companies Winding Up Department, under the Companies (Winding Up) Act, 1890, of the work connected with the winding-up of public companies had the effect of taking away a large amount of business from the Chancery Chambers. "It is undoubtedly the fact that there is no longer the pressure which I can remember in the early days of my official career and which certainly used to result in regrettable though unavoidable delays." Master Burney was asked, with the view to satisfy us whether under the proposed scheme the property of a lunatic would be as well protected as it is now under the lunacy jurisdiction. "(*Q.*) They have someone whom they call Committee of the Estate; whether he is called Committee of the Estate or whether he is called Receiver, would he have the same duties under you and would you have to report to the court and would he be an officer of the court punishable for contempt of court, liable to all the liabilities which a defaulting or dishonest officer of the court would be liable to? (*A.*) That is so, certainly. (*Q.*) Then it is difficult to see why you could not with equal efficiency secure the protection of the property of the lunatic? (*A.*) That, after very careful consideration, is my deliberate opinion."

Burney, Vol. IV., p. 301, c. 1.

Burney, Vol. IV., p. 301, c. 1.

Burney, Vol. IV., 33018–33019.

The master was alive to the point that so far as the actual care of the person of a lunatic was concerned the duty could be better discharged by a separate body, such as the Lunacy Commissioners. He absolutely refused to entertain the idea that proceedings in Chancery would entail loss of privacy in lunacy cases. He pointed out that if a transfer were effected, the lunacy business should be divided among all the Chancery judges, and among all the masters, and not be confined to one judge and his staff. This was what he was authorised by Lord Justice Cozens-Hardy to say was the latter's intention. There are now, and there have been for thirty years, twelve masters. The number has remained constant notwithstanding increase or decrease of business.

Burney, Vol. IV., 33044–33047.

33070–33074.

33120.

33123–33124.

The opinions thus expressed by Master Burney were supported by Master Walker, the senior master of the Chancery Division, who informed us that they had the support of all his colleagues.

Walker, Vol. IV., p. 313, c. 1.

800. Mr. Hawkins, formerly senior master of the Supreme Court, now retired, who has had experience of the practice from the time of Lord Romilly, M.R., was requested by us to furnish us with a statement of his views upon this branch of our inquiry. Twenty or twenty-five years ago he prepared a memorandum upon the subject, upon which nothing was done. He says, "I thought then as now that the administration of estates of lunatics was analogous to that of infants and that it could be dealt with by the Chancery Division in the same way as the estates of infants, and that where the persons of lunatics had to be dealt with the judges of the High Court could deal with the persons much as those of infants. In the judge's chambers the management of real property of infants, such as letting land where necessary, selling land, granting leases, repairing and rebuilding property, making vesting orders, appointing new trustees, drainage, and in regard to personal property, dealing with investments, appointing guardians, approving of schools and education, and in short overseeing the care of the infants and their property, taking and vouching the accounts of receivers and guardians of estates has been done since 1852, when the court was reformed, and the Masters and their staffs are thoroughly used to such work, subject to adjournment to the judge in all cases of importance and, in some cases where so directed, whether asked for or not, and I see no difference in thus dealing with the property and persons of lunatics and of infants. . . . I see no reason why the jurisdiction now exercised by the Lunacy Masters and their staff may not with advantage be transferred to the Chancery Division to be dealt with in a similar mode to that in which that division deals with infants and their property." Mr. Hawkins was also

Hawkins, Appendix Vol. V., p. 238, c. 2, and p. 239, c. 1.

p. 239, c. 2.

Suggestions as to constituting one Central Authority.

of opinion that the lunacy percentages were excessive and might be assimilated to the percentages in Chancery, bringing the practice into line with the Chancery Division.

Opinion of the Judges and Officers of the Chancery Division—*contd.*

801. Sir Kenneth Muir-Mackenzie, the Permanent Secretary to the Lord Chancellor, and Clerk of the Crown, was also of opinion that this administrative change could easily be effected, that the work would be well done in Chancery Chambers and that there would be a saving of expense, which would not, however, accrue to the Exchequer upon the whole. He added that the Chancery arrangements are carried on with the aid of a certain exceptional treatment for the cases of wards and that this would be very largely increased by bringing in "lunacy" and would, he believed, prove "a very heavy burden on the Judges themselves." The evidence given before us by the Judges and the Masters in the Chancery Division leads us to hope that they would be both willing and able to cope with the work.

Muir-Mackenzie, IV., p. 393, c. 1.

Cf. 34620, 34653–34668, 34681.

IV. The Taxation of Costs in Lunacy.

Taxation of Lunacy Costs. Baker, Vol. IV., pp. 313–315.

802. The question of taxation of costs in Lunacy was dealt with by Master Baker of the Supreme Court Taxing Office, who delivered the collective opinion of all the Taxing Masters. He informed us that until shortly before his appointment in 1889 the lunacy costs were taxed by a Chancery taxing master, but that, on the retirement of Mr. Bloxam in that year, the taxations were referred to the office of the masters in lunacy, and have since been taxed by the former principal clerk to Mr. Bloxam. Master Baker was of opinion that costs in lunacy should be taxed by a taxing master. These costs assimilate very closely to the costs relating to infants and their estates, cases which call for vigilance and the careful exercise of discretion. The responsibility, he declared, is certainly not less onerous in the case of the administration of the estates of lunatics. "There are occasionally contested cases in lunacy in which heavy costs are incurred involving the consideration of substantial fees to counsel, solicitors and witnesses. These should certainly be taxed by a master in fact, and not merely in his name. There is also the question of uniformity to be considered. It is, in my judgment, a first essential that, as far as practicable, taxations should be in accordance with a settled and uniform practice, and to this end it is of the greatest importance that the masters who deal with the taxation of costs should have frequent opportunities of discussion and co-operation. This has now been largely secured by the Rules of the Supreme Court, January, 1902, but for some reason, with which I am not acquainted, the operation of the Rules is suspended *inter alia* as to lunacy costs. These rules were the outcome of the Report of the Taxation of Costs Committee in 1901—lunacy costs remain the exception to the salutary rule that costs shall be taxed by a responsible master or registrar who has been either a member of the Bar or a solicitor, and has had the advantage of a legal education and of experience in the practice of his profession." The master suggested that the Rules of January, 1902 should be brought into operation as to lunacy costs, and that the number of taxing masters should be increased by the addition of one master and two clerks. The taxing office of the Supreme Court is open during vacations, so that, by transfer of the lunacy taxations to the Chancery side, there would be no reason for delay in respect of this branch of practice.

Baker, Vol. IV., p. 314, c. 1.

See Appendix to Vol. IV., pp. 441–445.

Baker, Vol. IV., p. 315, c. 1.

33252–33253, 33226.

803. We would point out that the appointment of the masters and taxing masters of the Supreme Court is in the hands of the Lord Chancellor:—

Orders made by the Chancery Masters upon the face of them are stated to be the orders of the Judge, and for the acts of the master the Judge, as we have stated, accepts the full responsibility, although he has not the appointment of the person to fill the office. Orders made by the masters of the King's Bench Division are in different form, and purport to be only the orders of the master.

Local Jurisdiction.

Chancery of Lancaster Act, 1890, 53 and 54 Vict. c. 23. Cleaver, IV., pp. 368–369.

804. In recommending the adoption of Lord Justice Cozens-Hardy's suggestion that lunacy should fall within the jurisdiction of the Supreme Court, we are influenced by the consideration that it is of great importance that the Judge who would control the management and administration of property would be accessible at all times to the central authority that would have to ascertain the mental condition and be responsible under his directions for the control of the person of the mental defective.

This involves the principle that London would be the place where the main business affecting the individual and his affairs could most conveniently be transacted. We are far from saying that some details of property management might not for cheapness and expedition be administered in the provinces, when specially remitted by the Chancery Judge having seizin of the particular matter. On this principle we consider that no proceedings should be allowed to fall within the usual jurisdiction of either of the Palatine Courts of Durham or Lancashire.

Suggestions as to constituting one Central Authority.

Local Jurisdiction—*contd.*

Evidence was given on behalf of the Liverpool Law Society to the effect that if lunacy jurisdiction was transferred to the High Court it would follow automatically in such transfer that District Registrars in Chancery in Liverpool and Manchester would naturally deal with lunacy matters arising in their registries as they now do with Chancery business.

Cleaver, Vol. IV., p. 369, c. 2.

We think such a result undesirable. The Chancery Judges and the Chancery Masters being located together in London would certainly avail themselves of the opportunity thus afforded of securing uniformity of practice, with the assurance that greater regularity of administration would ensue than if district registries were allowed to administer.

It is not unlikely that in the management of property, especially in the country, the Chancery Division would in future be assisted by the services of the public trustee, as up to now it has been served by the official solicitor, and, occasionally, by judicial trustees. While encouragement might be given for the disposal of disputed issues, and other matters arising in property administration, in district registries or county courts, we do not think that substantial administration of the property of mental defectives should pass from the officials of the High Court regularly associated with the judges to whom the care of mentally defective persons would be assigned.

CHAPTER XXXIX.

Summary of Conclusions as to Part VII.

805. We have now completed our statement of the changes which we recommend with a view to the reorganisation of the present Lunacy Commission, the transference of the Lunacy Jurisdiction now exercised by the Judge and Masters in Lunacy to the Chancery division of the High Court, and the abolition of the jurisdiction of the Masters as separate officials. But we should very shortly explain what transitory measures we deem necessary; for, it is evident, that, if the scheme which we propose is adopted, some time must elapse before it is put in force in its entirety; and the pressure of work on the Lunacy Commission is such that immediate steps should be taken to lighten it. We make four recommendations.

Transitory Measures. Recommendation VII.

Recommendations XXIV.–XXVII.

Under the Lunacy Act of 1890, Sec. 337, the Lord Chancellor may, by order under his hand, amalgamate the office of the Masters and their staff, and the office of the Chancery Visitors and their staff, and may amalgamate such offices, or either of them, with the office of the Commissioners. We recommend that, for immediate purposes, the Lord Chancellor should act on these powers and amalgamate the office of the Chancery Visitors and their duties and staff with the office, duties, and staff of the Lunacy Commissioners. A step would thus at once be taken in the direction of concentration and economy.

Lunacy Act, 1890, Sec. 337, (1).

Recommendation XXIV.

We also recommend that the Lord Chancellor, under the powers which he possesses under the same section of the Lunacy Act, should appoint two additional Medical Commissioners to the amalgamated office.

Lunacy Act, 1890, Sec. 337 (2).

We have, also, recommended that the Lord Chancellor in making fresh appointments and by the exercise of any of the powers and jurisdictions he possesses, whether by rules of court or otherwise, should, if possible, forthwith cause the transfer of the jurisdiction of the Judge and Masters in Lunacy to the Chancery Division as regards the existing business in lunacy, without waiting until the statute is passed which would be necessary for bringing our complete scheme into operation.

Recommendation XXIV.

In addition to this amalgamation and transfer and this increase of the paid executive, we think that the administration should be further strengthened by the immediate appointment of honorary Commissioners to fill the existing vacancies on the Board of the Lunacy Commission.

Recommendation XXVI. Lunacy Act, 1890, Sections 150 & 151.

Transitory measures—*contd.*
Recommendation XXVII.

Lastly, we think that our recommendation that an architect should be appointed to devote his whole time to the Commission's work should also be acted upon as soon as possible.

The completion of these measures we believe to be a matter of great urgency, and we venture to hope that they may be brought into operation as soon as possible.

The Board of Control.

806. In the reorganisation of the Lunacy Commission, our policy has been to enlarge and remodel it, so that it may be able to accomplish the work which it now undertakes but for which its staff is insufficient, and to fulfil the new duty which may be imposed upon it with a view to the care and protection of the

Recommendations I. and V.

various classes of mentally defective persons defined in Recommendation IV. We recommend that under the name of "The Board of Control" it be the one central authority "for the general protection and supervision of mentally defective persons, and for the regulation of the provision made for their accommodation and maintenance, care, treatment, education, training and control."

Recommendations III., IV. and V.

807. From the title of the Board, and from our recommendations, we have excluded the word "lunatic." We have shown to how large an extent the duties of the Board and of the local authorities, which, we propose, should be associated with it, are, in their nature, duties of guardianship; and the evidence suggests that this branch of work must assume a larger, and larger, place in its administration.

Recommendation VI.

808. With regard to the qualifications of Commissioners and their selection we have recommended that there should be appointed "Persons who are specially qualified for that post subject amongst others to these two qualifications: (1) That a certain proportion of the number be qualified medical men who have expert knowledge in regard to the various classes of mental defect mentioned in Recommendation IV., and respecting institutional and other administration; (2) That a certain proportion of the number be legal members, being barristers at law, qualified to deal with particular cases and points of law, including such questions as may arise out of the new conditions which the plan proposed by us must necessarily entail." But as the whole spring and vitality of the future administration will depend upon the selection of capable and energetic men who by ability and temperament are well qualified for the special work of the Board, we add a few words. The Board and the Committees will have before them a much larger and more various field of work than the Lunacy Commission have dealt with. They will have to consider varieties of treatment, not merely in closely regulated asylums but in training schools, industrial colonies, and voluntary homes of all kinds, and also under the methods of family guardianship and wardship, and they will have to bring into friendly co-operation with themselves a great many outer agencies which have hitherto lain entirely beyond the view of the Lunacy Commission, though in a tentative and experimental manner they have been endeavouring to handle one part of the problem of the mentally defective. In the selection of men for the office of Commissioners there should therefore, we think, be a recognition of this very great change in administration. And, in these circumstances, it is essential that the selection should have no relation either to party claims or personal predilection. For certain kinds of work, within certain limits, one person may be as well qualified as another, but for this work, for which wide experience and wide sympathies are necessary in combination with special knowledge and administrative ability, the selection, we would urge, should rest entirely on individual suitability and should be biassed by no other consideration whatever.

Relation of the Lord Chancellor and the Secretary of State to the Board of Control.
Lunacy Act, 1890, Sec. 247.

809. Two central authorities, if we may so call them, are associated with the work of the Lunacy Commission, the Lord Chancellor and the Secretary of State for the Home Department, but the authority that is actually responsible for the enforcement of the Lunacy Act of 1890 is the Home Office; and under the new conditions of administration which we propose it will of necessity be more than ever responsible for good management and progress in the field of work which now lies before the Board of Control. It is the authority at present entitled to approve of plans and contracts and to enforce and regulate the provision of accommodation for the insane by local authorities on mandamus. We desire the creation of a more efficient and economical administration. One condition of such an administration is that the Board, and the authority in connection

with which it serves, should each be held responsible; but that, in the case of the superior and mandatory authority, the responsibility should be recognised by representation in Parliament and be liable to the criticism of question and debate.

Relation of the Lord Chancellor and the Secretary of State to the Board of Control —*contd.*

Further, the authority which is ultimately responsible should, according to the ordinary canons of administration, with its responsibility have the right of appointment. The two go together. An authority can hardly be responsible which has not the right of appointing the officers who ultimately are responsible to it; and the appointment of officers by an irresponsible superior authority is the abandonment of one of the chief securities of efficient local government. Accordingly, we think, that the Secretary of State for the Home Department, who is the central authority under the Lunacy Act, should have the right of appointing the Commissioners, and should represent the Board in the House and be expected to explain and defend its policy and reply to questions in regard to it, just as he would be expected to do in regard to other business which came more directly within his own department. It may be said that we have not recommended that the Board should be made a part of the Home Office, and that only on that condition could the Home Secretary be in a proper position to represent it in Parliament as fully as we have suggested. We think, however, that there are good reasons for preserving for the Board of Control a detached position similar to that of the Lunacy Commission. They stand outside the field of normal administration. They perform duties which are largely personal and private, medical and yet also judicial, duties which affect the lives, homes, and property of a large class who "cannot manage themselves or their affairs"; and to provide for this class effectually their administration must be staffed and organised in a manner that will enable them to fulfil quite special and characteristic functions. Thus, though perhaps on such a point too much stress should not be laid, in their capacity as Commissioners a certain respect may be paid to them, which, considered merely as the officials of a department, they might not always receive. On the whole, therefore, we have concluded that the Board of Control should, like their predecessors, the Lunacy Commission, be detached from the Home Office; and yet, in spite of this, we desire that it should be represented in the House by a member of the Cabinet, who, we think, should be the Home Secretary, and who, in assuming a fuller responsibility for the Board, should have also the right of appointing its members. Already, it need hardly be said, the Home Secretary, in branches of work which are within his department, appoints to important offices, both barristers and medical men, as well as laymen.

With regard to the question of the appointments being made, as they now are, by the Lord Chancellor, we would point out that the feeling of the House of Commons, in discussions at an earlier stage in the history of the Commission, was evidently in favour of the appointments being made by the Home Secretary. But we do not wish to enter on a discussion of the question from the point of view of there being any real or latent rivalry in making these appointments, such as the debates in the House of Commons and the action that followed upon them in 1832 seemed to indicate, between two of our highest State functionaries. We base our case solely on this main contention: that, if in this branch of work there is to be efficient and economical administration, the head of some one of the great departments of the State must be made responsible for it. This responsibility, we argue, involves almost as an administrative necessity, that the official who is ultimately responsible for the work should appoint the persons who are in turn responsible to him. The Secretary of State for the Home Department is in our view by the Act of 1890 placed in the position of final responsibility, which is from its very nature to a large extent supervisory. We conclude therefore that he rather than the Lord Chancellor should appoint the members of the Board.

Hansard, 1831. 3rd Series, Vol. VI., p. 448; Vol. VII., pp. 603, 877.

Constitution of the Board of Control. Recommendations V. and VI. Recommendations VII. and VIII. Recommendation VI. Recommendation XVIII. Recommendation XX.

810. We have not specified how many of the members of the Board should be medical men, and how many barristers, nor have we recommended that the Board should be constituted of a certain number of members only. There must, it is obvious, be legal members of the Board to preside at inquiries (Recommendation VIII.), and to settle many points of difficulty that must, almost of necessity, arise in the extension of the Board's work. We have recommended the appointment of a paid chairman. We have recommended, subject to conditions, that persons who are superintendents of licensed places may be appointed members of the Board. We have recommended, also, that one of the members of the Board be a woman of special experience in the subject. In view of their probable usefulness in the enlarged work of the Board, we have recommended that honorary members be appointed.

Constitution of the Board of Control—*contd.*

We have also recommended that the Lord Chancellor's Visitors should transfer their services to the Board of Control and become members of it. Recommendation XIX.]

Recommendation XXIV.

Transfer of the jurisdiction of the Judge and Masters in Lunacy.

811. To concentrate the administrative force available for the care and protection of the mentally defective and their property, we have recommended the transference of the jurisdiction of the Judge and Masters in Lunacy to the Chancery Division of the High Court. This, we think, should lead to economy both of time and means. And we have further recommended that where an issue is not directed in the High Court, or a jury is not demanded or thought necessary, the inquiry in regard to the question whether a person who has property is suffering from mental defect, should be undertaken by a legal member of the Board, with a medical member of the Board as assessor, if necessary. The management and administration of property, on the ascertainment of mental defect by the legal Commissioner or on an issue directed in the High Court, would then be entrusted to the Chancery Division. Recommendation VII.

Recommendation VIII.

Recommendation IX.

Visitation of institutions, etc., and persons by the Board.

812. We have not recommended that any definite number of visits be paid to institutions of different kinds as laid down in Part VII. of the Lunacy Act of 1890. In the case of mentally defective persons, we have recommended that visits be paid twice a year, unless in particular circumstances the Board decide that a less number of visits will suffice. We have recommended that all institutions or houses (as defined in the Preamble) for the mentally defective should be visited twice a year. We have recommended that it be competent for a single medical member of the Board to visit an institution, where the Lunacy Act now requires that two members should visit. We have recommended that the Board should be the sole authority for licensing all institutions for the care of the mentally defective, including receiving houses or wards, whether they be in workhouses or infirmaries, or elsewhere.

Recommendation XI.

Recommendation XXII.

Recommendation XIV.

Appointment of Assistant Commissioners.

813. As a step towards the connection of the work of the Board, with the local authorities, and for their assistance in visitation and other duties, we have recommended that England and Wales should be divided into districts, and that there should be at least eight Assistant District Commissioners, who should be medical men. We have fully weighed the evidence submitted to us in favour of there being no Assistant Commissioners; but in view of the duties that the care of the mentally defective will impose on the Board, and the amount of miscellaneous work which other changes that we propose will necessitate, we think it would be unreasonable to appoint Commissioners only, and we recommend that for special branches of work Assistant Commissioners may, if necessary, be appointed.

Recommendations XV. & XVI.

The Committees for the care of the mentally defective.

814. Hitherto, the Commissioners have not been connected with any local authority acting in their behalf or in close relation to them. This, we think, has been a disadvantage, and we now propose that, the county councils and county borough councils who are the local authorities recommended, should act through committees for the care of the mentally defective, in which the visiting committees will be absorbed. All the evidence we have received would lead us to believe that the visiting committees are usually much interested in their work and would not be averse to undertaking larger obligations. We hope that, under the arrangements we suggest, there may be a closer personal connection between the members of the Board and the committees for the care of the mentally defective. With a larger staff, it should, we think, be possible for the Board to arrange that at times of inspection, and on other occasions, there should be some kind of conference between a member or members of the Board and the committees.

Recommendations XXVIII.–XXX.

815. Our aim has been to broaden the whole position and outlook of the Lunacy Commission and to reorganise it as a Board of Control, so that it may be an active and efficient centre, both for the general protection and supervision of the mentally defective, and, also, for the promotion of measures of scientific administration and investigation, which will prevent, as far as may be, the increase of mental disease and defectiveness.

Savage, Vol. IV., 29315.

We have recognised, as Dr. Savage said, that the Commission is "the head of a great body, and that it ought as the head to have a directing, observing and supervising power." We have endeavoured to recommend the measures by which, to the best of our judgment, that result may be achieved.

PART VIII.

FINANCE.

CHAPTER XL.

816. In regard to Finance, we make the following Recommendation :— Discontinuance of 4s. grant.

(1) " That the transfers and payments now made by county and county borough councils pursuant to s. 24 (2), (*e*), (*f*), and (*g*) of the Local Government Act, 1888, out of the funds placed at their disposal by the Exchequer contribution under that Act from Local Taxation, Probate Duties, etc., consisting of :—

(*a*) 4s. per week to the county fund liable to bear the expenses of pauper lunatics chargeable to the county in respect of each county lunatic. Recommendation XL.

(*b*) 4s. per week to boards of guardians in respect of each lunatic chargeable to guardians and maintained in an asylum, registered hospital, or licensed house.

(*c*) 4s. per week to Borough Councils in respect of each lunatic chargeable to borough funds

shall be discontinued.

(2) " That the total cost of the maintenance, care and treatment, education, training and control of mentally defective persons and of the provision of suitable accommodation for them shall be borne by the County and County Borough Councils aided by new grants from the Exchequer.

(3).—That substantial financial assistance be granted from the Exchequer to a Council of the County or County Borough for the care and maintenance of mentally defective persons, and of epileptics not mentally defective, and that this assistance be granted by one or other of the following methods either :— Exchequer grant payable to local authorities. Recommendation XLI.

(i) On the method of an annual block grant on the principle that the grant be greater or less according to the proportion of the local expenditure to an approved standard of proper and economical expenditure and also greater or less as the assessable value per head of the population of the district is smaller or larger ; or

(ii) That in addition to the present Exchequer contributions there be paid by the Exchequer to the Councils of Counties and County Boroughs annually a grant based on the number of mentally defective persons and epileptics not mentally defective for whom provision is made beyond the numbers provided for on the 1st January, 1908, and that such grant be the sum which the Board of Control certify to be equal to one-half of the cost properly incurred by such Councils in respect of such additional numbers of mentally defective persons.

4).—That this block grant or this maintenance grant be payable subject to the certificate of the Board of Control that the local authority has carried out its duties under Recommendation XXVIII satisfactorily, and that in the event of the Board of Control refusing to give such a certificate an appeal shall lie to the Secretary of State, whose decision shall be final.

(5).—That in addition to the above grant, whether it is a block grant or a maintenance grant, there be provided from the Exchequer annually for a term of years a grant in aid for the provision of necessary accommodation in the manner and in the locality advised by the Board of Control."

We will take in turn the questions which these recommendations suggest. They refer, it will be noted, to Exchequer grants proposed to be made for the aid of all mentally defective persons, including pauper lunatics.

THE FOUR SHILLING GRANT.

817. The first question is the discontinuance of the 4s. grant. The clause of the Local Government Act, 1888—Section 24 (2) (e), (f) & (g) which refers to this grant is as follows :— The 4s. grant.

> (2) In substitution for local grants, the council of each county shall from time to time as from the said day pay out of the county fund and charge to the Exchequer Contribution Account the following sums, that is to say—

The 4s. grant.—*contd.*

(*e*) They shall transfer to that account of the county fund to which the maintenance of any pauper lunatic chargeable to the county is charged, a sum equal to four shillings a week for each such pauper lunatic, for whom the net charge upon the County Council, after deducting any amount received by the County Council for the maintenance of such lunatic from any source other than local rates, is equal to or exceeds four shillings a week throughout the period of maintenance for which the sum is so transferred.

(*f*.) They shall pay to the guardians of every poor law union wholly or partly in the county a sum equal to four shillings a week for each pauper lunatic chargeable to that union, and maintained in an asylum, registered hospital, or licensed house, for whom the net charge upon the guardians, after deducting any amount received by them for the maintenance of such lunatic from any source other than local rates, is equal to or exceeds four shillings a week throughout the period of maintenance for which the sum is so paid; and

(*g*.) They shall pay to the council of each borough to which the maintenance of any pauper lunatic is chargeable, a sum equal to four shillings a week for each such pauper lunatic for whom the net charge upon the council of the borough, after deducting any amount received by them for the maintenance of such lunatic from any source other than local rates, is equal to or exceeds four shillings a week throughout the period of maintenance for which the sum is so paid.

Report of Sir Henry Fowler on Local Taxation, 1893, pp. xliii., xliv.

818. In 1874–1875 a new grant of 4s. a week for every pauper lunatic maintained in an asylum or registered hospital was passed by Parliament. This grant was paid direct from the Exchequer to boards of guardians, and, to that extent, reduced the amount expended from the union rate on each pauper lunatic in an asylum. It was fixed so as to meet the difference in the cost between maintenance in the workhouse and maintenance in the asylum, and it acted, as indeed was intended, as a direct bounty to the guardians to induce them to remove certifiable lunatics from Poor Law workhouses and infirmaries to asylums. In 1887–8 it amounted to £485,169. In 1888, the Local Government Act was passed, and in 1894, the Finance Act: and a considerable change was made. After 1888 grants were no longer paid by the Exchequer to the guardians, but there were handed over to the County Councils certain subventions called "Exchequer Contributions," and the Councils were required to pay to the guardians a weekly sum of 4s. for each pauper lunatic on the conditions mentioned in the last paragraph. The Exchequer contributions consisted of the proceeds of (1) local taxation licence duties within the county; (2) a part of the probate, and subsequently, in lieu of it, a part of the estate duties, with (3) in 1890 "beer and spirit surtaxes," or "local taxation (customs and excise) duties," and (4) in 1896 a grant out of the estate duties in relief of occupiers of agricultural land. The amount so contributed, less the sums paid under the Agricultural Rates Act, amounted to £7,003,305 in 1905–6. The amounts applied by local authorities to the maintenance of lunatics from proceeds of these duties was £787,176.

Davy, Vol. IV., 34170–34192, 33859–33860, and the Finance Act of 1894.

See p. 103, Report of Sir Edward Hamilton and Sir George Murray:—Final Report of the Royal Commission on Local Taxation: England and Wales. Cd. 638, 1901.

Annual Report, Local Government Board, 1905–6, pp. xviii. and cxlvi., cxcix. Cd. 3105.

819. So far as the guardians were concerned, the position was only altered in that the subsidy paid to them came from the County Council instead of from the State. It became practically a subsidy of the union by the county—a transfer of revenue within the county from one authority to the other. It was no longer an alleviation of local taxation. It acts, indeed, in a contrary direction. It stimulates the boards of guardians to throw upon the county a charge which imposes upon the county an expenditure much greater than that which the union would have incurred if the person had not been sent into an asylum. Thus if a case costs 10s. a week in an asylum and it costs the guardians 6s. a week in the workhouse, and the guardians send it to the asylum, they are quit of the case without any greater cost to themselves, and if it costs them more than 6s., they make a profit on the transaction. But the ratepayer does not gain. He is paying 10s. for a person for whom he was paying 6s.; and the 4s. grant has thus acted as an inducement to the boards of guardians to impose this larger charge on him quite unnecessarily, if, in fact, the case, though it may be certifiable, is not really suitable for asylum treatment.

Table: Number of insane persons chargeable to Poor Law unions, counties or boroughs Annual Report of the Local Government Board, 1905–6, p. 561.

Davy, Vol. IV., 34170–34184.

4s. grant results in loss to ratepayers.

820. The extent to which this inducement has acted, Mr. Davy, Chief General Inspector and Assistant Secretary to the Local Government Board, has pointed out. He said that the result of the grant was—

Davy, Vol. IV., 33860.

"That whenever a board of guardians was short of room, and would have had to build for some other class, they shipped their lunatics or their imbeciles off to the asylum, and used the workhouse buildings for other cases, thereby transferring the cost of buildings from themselves to the county authorities. I have known that done in a very glaring way in more than one case. Also medical officers of workhouses and masters occasionally do not like having persons of unsound mind there; they are troublesome, and they are sent off to the asylums, the result being that you have now in some workhouses no lunatics, and in some 40 per cent. of the total lunatics, showing quite clearly that the complaint of the Commissioners that the asylums have been filled up with chronic cases is a just one.

The 4s. grant results in loss to the ratepayers—*contd.*

"I can only account for the fact that the grant has been allowed to remain as it is by the fact that there are three bodies responsible for it; I mean to say the Home Office, the Lunacy Commissioners, and the Local Government Board. If the whole matter had been in the hands of one Department, I do not think that grant could have existed, because I think it can be demonstrated that it has resulted in a loss to the ratepayers. It was intended to benefit local taxation, and it has increased local taxation, and the sole advantage has been that it has removed all temptation from boards of guardians or their officers to detain persons of unsound mind in workhouses improperly."

It is clear that, in these circumstances, it will be well to discontinue the grants to the guardians, and this, indeed, will be the necessary consequence of the proposal which we have made elsewhere, that the care of the mentally defective should be removed from the Poor Law guardians to Committees for the care of the mentally defective under the Councils of Counties and County Boroughs.

The suggested extension of the 4s. grant.

821. As we have explained, at the present time the grant is stimulating the transfer of charges from the union to the county or county borough, but nevertheless it is desired to extend it. The unions are often poor, the county or borough relatively rich. And hence, whether the effect of the grant be understood or not, many witnesses have pressed upon us a demand that it should in future be payable not only for certified lunatics but for other classes of mentally defective persons. Mr. Davy in a few words stated the policy of the Local Government Board in regard to this movement:

Davy, Vol. IV., 33859.

"It is a matter which has been very frequently before the Local Government Board. It was before the Local Government Board in 1882, when the Commissioners in Lunacy expressed the opinion that a return obtained by them with the concurrence of the Local Government Board from the medical superintendents of asylums established the fact that a great proportion of the asylum population might be adequately, and much more economically, provided for in workhouses. The return showed the number of cases in asylums who, in the opinion of the superintendents, might be sent to either workhouses with special lunatic wards, workhouse infirmaries with a paid nurse, or ordinary workhouse wards. The number of such cases was not very large in the return, only amounting to 5,745, but, as the Commissioners point out, the superintendents took varying views on the matter. For example, in the two Surrey asylums of Wandsworth and Brookwood, where the total numbers were about the same, four times as many patients were recommended for workhouse treatment from the latter of those asylums as from the former. So the personal equation of the medical superintendents had a great deal to do with it. Upon that return the Commissioners wrote to us and said: 'The Commissioners do not know what opinion the Local Government Board as administrators of the capitation grant may have formed on this point, but if it should be the case that any change in the conditions of the grant is in contemplation they would desire to throw out for their consideration whether it might not be well to exclude from the weekly grant all such persons in asylums as could be shown to be capable of being adequately taken care of in workhouses.'

"Again, there is the continual application from the boards of guardians that the 4s. a week grant shall be paid for imbeciles in workhouses as a matter of the relief of local taxation. In 1897 the County Councils Association approached the Board with proposals that the grant should be so paid as a means of relieving pressure on asylums, and suggested that a chronic lunatic must be sent to an asylum before being transferred to a workhouse, and then if he were transferred from the asylum to a certified workhouse the grant should continue to be paid. The Board considered that proposal—it was rather an elaborate proposal—but finally decided against it on the ground that it would problably lead to increasing the pressure of asylum accommodation, because guardians would try all their imbecile cases in the asylum to see whether they should be sent out and so become eligible for the grant, and they also, the opinion of the inspectors having been taken, pointed out that there was not much room in workhouses for this class of case.

"The Board write: 'The scheme of the association is that the grant shall only be paid in respect of a chronic lunatic transferred from the asylum to a certified workhouse, that is, a workhouse where the accommodation for the lunatic has been approved and certified. This assumes that there are many workhouses where there is vacant accommodation of a suitable character for the reception and maintenance of lunatics transferred from asylums. But this is not the case, and it would be necessary, if such provision is to be made, that the guardians of a large number of unions should erect additional buildings for the purpose, and in each case provide a staff for the care of the patients. The Board would observe with regard to this that it appears to them that, instead of increasing the number of lunatics in workhouses, it is desirable, in the interests of the poor who through poverty are obliged to have recourse to the workhouse, that the workhouses should, as far as circumstances reasonably admit, cease to be asylums for lunatics. The Board direct me also to state that it appears to them that if a large number of unions, in order to qualify for the grant, have to provide new buildings and additional staff and officers, the required accommodation can be much more economically provided by the county councils in additional asylums to be appropriated solely for chronic and harmless cases, the buildings and the arrangements generally being of a much less expensive character than those founded primarily for acute cases and curative treatment.' This was the opinion of the Board in 1899."

Mere extension of 4s. grant would be useless.

822. This evidence strongly confirms our view that the solution of our question does not depend on the extension of the grant to guardians of the poor, or, indeed, on any form of subsidy to them, but on enabling county and county borough councils, in one way or another, to fulfil the duties for which they are already responsible, and in the performance of which the grant has been a hindrance to them rather than a help. The Exchequer contribution must, we think, take some other form and be available not for the maintenance of "persons of unsound mind" only, but for the maintenance of other mentally defective persons also, and, in the assignment of it, consideration must also be given to the necessary expenditure that will have to be incurred for accommodation, care, treatment, education, training, and control of all types.

THE PROPOSALS OF THE ROYAL COMMISSION ON LOCAL TAXATION IN REGARD TO GRANTS IN AID AND A BUILDING GRANT IN RESPECT OF PAUPER LUNATICS AND EPILEPTICS.

The extension of the 4s. grant and the proposals of the Royal Commission on Local Taxation.

House of Commons Paper, No. 362 of 1900.

823. The Royal Commission on Local Taxation adopted the opinion of the Select Committee of the House of Commons on the Cottage Homes Bill of 1899, "that all pauper imbeciles and epileptics should be provided for outside the workhouse," but apparently considered that they should remain under the care of the Poor Law Guardians; and they proposed an extension of the 4s. grant in the hope that it would "effect two very desirable objects, namely: (1) bring about a much needed reform in the administration of provincial workhouses; and (2) tend to reduce unnecessarily large expenditure in county and borough asylums."

Final Report of Royal Commission on Local Taxation England and Wales 1901, Cd. 638, pp. 24 and 26.

Final Report of Royal Commission on Local Taxation, England and Wales, 1901., Cd. 638, p. 26.

824. By the return of 1st January, 1900, they found that there were in the workhouses 17,460 pauper lunatics and 2,566 epileptics; in institutions of the Metropolitan Asylums Board in 1899 a daily average number of 5,953 imbeciles, at an annual expenditure of £151,994; and in county and borough asylums (1st January, 1900) 73,721 pauper lunatics. These amounted in all to 99,700, and, accepting that as the number for which provision was to be made, they recommended "the extension of the present pauper lunatic maintenance grant by an allowance of 3s. a week—£7 16s. a year—in respect of such of those lunatics and epileptics as were not in county and borough asylums, and might, therefore, if proper provision were made to the satisfaction of the Local Government Board for the separation of all of them from the other inmates of the workhouses, ultimately add at least £200,000 a year to this grant."

The proposal of the Royal Commission on Local Taxation to give a grant for providing accommodation.

825. They proposed also "a new grant towards the cost of providing accommodation for pauper lunatics and epileptics, whether in asylums or in other institutions. We estimate," they write, "that a grant of £500,000 might ultimately be required if one half of the annual expenditure on asylums, and other institutions in which pauper lunatics and epileptics are maintained, were made a charge on the Imperial revenue."

Final Report of Royal Commission on Local Taxation England and Wales, 1901, Cd. 638, p. 26.

The insufficiency of the present grant.

826. Passing by, for the moment, the question of a grant for accommodation, we agree with the view that one-half of the expenditure on asylums and other institutions, in which we would say not "pauper lunatics," but "mentally defective persons" and epileptics are maintained, should be a charge on the Imperial revenue. We hold strongly that the burden which now lies on local authorities in respect of the care and maintenance of lunatics and other mental defectives should be relieved by generous subventions from the Exchequer.

Annual Report, Local Government Board, 1905-6. p. cxcix.

It seems to us that the grant of £787,176, the present subsidy from Imperial revenues, is a very insufficient subsidy towards the extremely important and difficult work with which the visiting committees and the present Commissioners in Lunacy have to deal. We have shown how large is the necessary field of public intervention in the case of the mentally defective; and hence we would strongly urge that to meet the actual requirements of this class the Imperial subventions be considerably augmented. We have recommended that all mentally defective persons be under the supervision and protection of one central authority, the Board of Control, and we have suggested the removal of the responsibility of their maintenance and supervision from boards of guardians, except in so far as the committees for the care of the mentally defective may contract with them for that purpose. And so in the case of other authorities,

Recommendations I. and V., XXVIII. and XXX., XLII.

such, for instance, as the education committees of county and borough councils, charges for the care of the mentally defective which would, under existing legislation, fall on them, would, according to our proposals, pass to the committees of the county and county borough councils for the care of the mentally defective. We will deal with this point in more detail later; but it is obvious, we think, that if there is to be one central authority for the general protection and supervision of all persons of mental defect, with local authorities responsible for their care and maintenance, a reapportionment of charges and obligations, which now, sometimes to a large and sometimes to a small extent, fall on other departments of public work, is necessary.

Rateable value and the incidence of mental defect. Vol. VI., p. 55, Table, col. 12.

827. Another question has also to be determined. Our evidence goes to show that, while certain parts of the country may be more free from mental defect than others, *e.g.*, the mining and country districts of Durham and such a port as Hull, in general the incidence of mental defect is alike both in town and country, throughout England and Wales. It follows that a rural sparsely populated district may require, relatively to its population, as much help to enable it to deal with the difficulty as an urban area. Indeed, the need may be greater. A rural county has a low rateable value. It does not include the county boroughs, the centres of population and of commercial activity, and thus the local resources of the county, which, applied over the whole area, might in some degree equalise the conditions of the poorer districts to those of the large urban areas, remain altogether insufficient. It appears that the division of interests and sentiment between a county and a county borough is so strong that a local rate assessable for the whole county, including the boroughs and available equally for all parts of it, is not likely to meet with approbation, even for a purpose which, as we have shown, affects both town and country very seriously, and affects them alike. We are led, therefore to suggest that some method of equalisation should be adopted through the operation of grants from a local taxation account or from the Consolidated Fund, by which the grants should be larger or smaller inversely as the assessable value per head of the population is smaller or larger. How great is the variation of rate between different urban and rural areas and of indebtedness between counties Mr. Noel Kershaw, Assistant Secretary to the Local Government Board, showed in his evidence.

Recommendation XLI. Kershaw, Vol. IV., 32038 *et seq.*

Recommendation XLI.

828. But proposals of the kind we have mentioned would entail the resettlement of our system of local taxation, a serious question which it may not be found possible for the Government to undertake. It seemed right to us, therefore, to submit alternative courses; one which would have the very desirable effect of equalising the burthen of local taxation in rural and urban districts, districts which have a low and those which have a high assessable value; and one which, though it would not have this advantage, would under more effective methods of supervision than now prevail, provide larger grants to local authorities to meet charges incurred by them on behalf of the mentally defective.

THE APPORTIONMENT OF STATE AID TOWARDS THE CARE AND CONTROL OF MENTALLY DEFECTIVE PERSONS.

Equalising system of apportionment necessary.

829. As one alternative, we venture to suggest that the scheme which was submitted by Lord Balfour of Burleigh, and Sir Edward Hamilton and Sir George Murray, Joint Permanent Secretaries to the Treasury, to the Royal Commission on Local Taxation is worthy of very careful consideration. It promotes, alike, equalisation and economy. As matters now stand, it is, we think, impossible for counties with a low assessable value, and many claims on the county rate, to make a provision that in our opinion is absolutely necessary in the interests of the community and of the mentally defective themselves; and the mere fact that the subsidy of the Exchequer is increased, even largely increased, will not of itself meet the difficulty. On the other hand, by the application of definite standards to administrative finance the methods which we recommend would further economy.

Final Report pp. 73–83 and 128–142, and Appendix, p. 206, to Final Report (England and Wales) of the Royal Commission on Local Taxation, 1902, Cd. 638, and "Local Taxation," an address by Lord Balfour of Burleigh, 1907.

Local expenditure falls into two divisions, national and onerous, and local and advantageous. Onerous charges, such for instance, as the care of the mentally defective, should tend to be national, while advantageous expenditure

Equalising system of apportionment necessary—*contd.*

designed to benefit a locality should be provided from local rates. Some local expenditure would thus be accounted onerous with a national claim; some advantageous with no, or a lesser, national claim. The question may be confined to the former. In estimating the financial position of a town or district, we have to ascertain two points: (1) what is the expenditure actually necessary to meet its requirements, considered in relation to the number of the population; and (2) what is the ability of the place to meet this expenditure, as represented by the local assessable value.† If we seek a standard of expenditure, by which we may judge of its local expenditure and the local expenditure of other towns or districts, and if we seek a standard of comparative ability to pay, or, what is the same thing, of assessable value by which we may compare the assessable value of this and other places, we must look for these standards outside. The external standard of expenditure we may find—so far as requirements and expenses go—in the sum per head of the population for which the services in question could be done under favourable circumstances. The external standard of ability or assessable value we may find in an estimated rate in the £, which, whether local assessable values be high or low, may be assumed to be assessable uniformly over the whole area of which our town or district forms part. These two standards we may apply to the financial position of the place. And we may say: (1) what would our local expenditure be, if it were at the standard scale of expenditure? (2) What would our assessment be, if it were based on the standard rate in the £? Our expenditure so calculated minus our assessment so calculated would produce a sum, which, as it is reckoned in relation to conditions which are applicable to the whole country, may fairly represent a grant payable to us by the Government, as, by similar calculations, other similar sums may be reckoned and considered to be payable to other towns or districts. This sum may be called the primary grant. On the difference between the actual expenditure of the town or district and an expenditure for the town or district taken at the standard rate, a further or secondary grant may be made.

Standards of Expenditure and Rating.

830. To apply and explain this statement of the method. First we have to fix a standard of expenditure, and next a standard rate in the £. To fix the former, amongst several ways, we might take a group of areas differently placed in regard to rating, administration, and expenditure, and from the deductions we make on these heads we might form a standard of expenditure. Or we might take an average of the expenditure over the whole of a large district, *e.g.*, England and Wales, or of England divided into two or three large "expenditure" districts, and so arrive at an expenditure standard for all England and Wales, or for an "expenditure" district. But, in some way, a standard of expenditure will have to be fixed, and it would be better, of course, if it were applicable to the whole country. We shall have thus met our first need *A*, as set out below—standard expenditure per head of the population.

So again with B., the standard rate in the £; it might be a standard based on the assessable value of a large actual or typical area, or aggregation of areas, or it might in some other manner be formulated as might seem just, as a basis for calculation.

Calculations based on standards.

831. Then, having worked out our standards, we may make our calculations on separate districts in detail as below, adopting figures which were suggested by Lord Balfour and will serve for purposes of illustration, though they relate, not to expenditure in connection with the mentally defective but to expenditure in connection with poor relief. The following statement sets out the data:— Report of Royal Commission on Local Taxation, pp. 134 and 135.

† "In estimating the ability of a district, the 'assessable value' should be the measure chosen, *i.e.*, rateable value after deduction of half the value of agricultural land (as under the Agricultural Rates Act), and after deduction also of half the value of tithe rent charge attached to a benefice. By taking assessable value thus defined (instead of full rateable value), the measure of ability of rural districts will be reduced in an equitable degree, and the amount of the grant correspondingly increased," p. 76. Report of Lord Balfour of Burleigh. Final Report of the Royal Commission on Local Taxation. (Cd. 638.)

EXPENDITURE FIGURES.

A		B		C	D
The standard expenditure per head of population.		Population of particular place or area.		The standard expenditure applied to that population.	Actual expenditure of the particular place or area.
3/6		10,000			£2,500
3/6	×	10,000	=	£1,750	

Calculations based on standards.

FIGURES AS TO ASSESSABLE VALUE.

E		F		G
The standard rate in the £.		The assessable value in the particular place or area.		Product of the standard rate in the £ applied to the local assessable value.
4d. in the £.		£60,000		
4d. in the £	in	£60,000	=	£1,000

Then (C) £1,750 (standard expenditure applied to the population of the particular place) — (G) £1,000 (standard assessable value applied to the local assessable value) = £750, which represents the difference between standardised local expenditure, that is, the reasonable or inevitable expenditure considered in relation to the locality, and the standardised local rate, that is, the generally accepted measure of ability to meet expenditure, considered also in relation to the locality. This difference, £750, is the amount which would be contributed by the Exchequer as the *primary* grant. But the actual expenditure (D) is £2,500. On this we work next, by deducting from it (C) £1,750, which represents the standard expenditure applied to the population of the particular place or area £2,500 – 1,750 = £750. This figure, then, represents the excess of local expenditure over the standard expenditure, and a part—a *secondary* grant—it is suggested, should be paid by the Exchequer to meet a part of this expenditure. Suppose it to be a third, then the figures would be £750 (*i.e. £2,500—£1,750*)—£250 = £500.

And the result would be;

(1) Primary grant £750.
(2) Secondary grant £250.
(3) Balance to be raised by local rate £1,500.
(1) and (2) together would be the block grant.

Elements to be considered in equalised adjudication of State aid.

832. There are, it will be seen, four elements in the question: The requirements of the area in regard to the particular service or provision; the expenditure as a fair indication of the legitimate satisfaction of those requirements; the population in relation to its increase, adding to these requirements and thus increasing the expenditure; and lastly, the assessable value, as indicating the means available for the satisfaction of the requirements, itself created in large measure by the increase in values which accompanies the economic demands of an increasing population. In an equalised adjudication of State help, these four elements should be taken into account. On all heads, there must be local variations. The requirements in regard to any particular service or provision differ from district to district. So, necessarily, does the expenditure, and with the extent and character of the population there arises the greatest difference in the assessable values. "Assume a simple case of two equally economical unions," Lord Balfour of Burleigh writes: "each spending 5s. a head of the population on poor relief. The amount of rateable value per head of population is £14 in one case and £3 in the other—variations which, though not common, do in practice actually occur. Thus the poor unions would require a rate of 1s. 8d. in the £, whilst the richer would only levy a rate of 4½d. in the £.

The "Block" grant.

833. Now, if it is possible to arrive at a standard of expenditure per head of the population, *i.e.*, a minimum standard, and a standard of assessable value which would be generally applicable, *i.e.*, a minimum rate per head of the population, this difficulty might be met, for, as the local expenditure and assessment taken conjointly rise or fall according to this double standard of expenditure plus assessable value, so the grants might be less or more.

Lord Balfour of Burleigh; separate recommendations. Report: Royal Commission on Local Taxation 1901. Cd. 638, pp. 76–77.

"Since it is manifestly desirable that there should be some local contribution even in a union which confines its expediture to the minimum, each union should be required to raise a small uniform standard rate in the £ on its assessable value. This rate would of course produce more in the wealthier unions and less in the poorer ones. As it is also desirable that as many unions as possible should share in the State contributions to the

The "Block" grant—*contd.*
Report of the Royal Commission on Local Taxation, 1901, p. 77.

minimum expenditure, the rate should be so fixed that it will not produce more than 3s. 6d. per head of the population in any appreciable number of unions, otherwise those unions would receive no grant. This condition would be satisfied by a rate of 4d. in the £, since there are few unions in which this rate on assessable value would produce more than 3s. 6d. per head. On the other hand, to throw upon the localities less in any case than one-third of the expenditure would be inconsistent with prudence, and a rate of 4d. in the £ would produce about one-third of the expenditure in the more economical of the poorest unions. Consequently it is suggested that the standard rate should be fixed at 4d. in the £."

"The grant will then be divided into two parts, to correspond with the division of the expenditure, and from the first and larger part will be distributed to each area the product of 3s. 6d. per head of the population after the deduction of the product of the 4d. rate on the assessable value. The minimum expenditure would thus entail a rate of 4d. in the £ in every union. The second and smaller part of the grant would consist of one-third of the expenditure incurred in excess of the minimum (expenditure here means the expenditure of the financial year preceding legislation, "standardised" in the manner prescribed in the Irish Local Government Act, 1898 [Sec. 49])—thus leaving the remaining two-thirds of the expenditure above 3s. 6d. per head to be met from local sources. The grant might be fixed for a period of years, and this limit (coupled with the administrative safeguards to which I refer presently) would prevent aid being given to expenditure which is not necessary, and retain the inducements to real economy. As a further safeguard it would probably be desirable that no union should receive more than two-thirds of its expenditure, in case such a contingency should arise when revised figures of population, valuation, and expenditure are available for calculating the grant."

834. To apply this method then, for the details require close attention, and we repeat the calculation therefore in a rather different form—Suppose 3s. 6d. a head to be taken as the standard of expenditure per head of the population which is generally applicable. This standard of expenditure is applied to the population of the particular area. That area has, for example, a population of 10,000. This produces a sum of £1,750.

Again, suppose 4d. in the £ to be taken as the standard of assessable value which is generally applicable. This standard assessment is applied to the assessable value of the particular area. The area has an assessable value of £60,000. This produces £1,000.

The difference between the general standard of expenditure as applied to the population and the general standard of assessable value as applied to the assessable value of the particular area is the sum payable as a *primary grant* from the Exchequer to the area: £1,750 − £1,000 = £750. In this grant, we equalise rich and poor districts from the point of view of their assessable value in its relation to their standard expenditure.

The next process is to regulate the grant that may be made to the area in relation to any excess of expenditure on its part over and above the standard expenditure. The *actual* expenditure of the area is taken to be, say, £2,500. The *standard* expenditure we have seen is £1,750. If this be deducted from the other, £2,500 − £1,750 = £750, we have the *excess of expenditure.* And of this, some definite part, it is suggested, should be payable as a *secondary* grant. Lord Balfour of Burleigh proposes one-third. Accordingly the area would receive £250—one-third of the £750, its excess of expenditure.

The total grant would then be: as primary grant, £750; as secondary grant, £250. As the actual expenditure of the area is £2,500, it would have to raise the difference, £2,500—£1,000 (*i.e.*, *£750* + *£250*) = £1,500 from the local rates.

The primary and secondary grants taken together would make what Lord Balfour calls the block grant. In this way, when account has been taken of expenditure, the larger the assessable value the less the grant, and vice versa.

Adoption of "Block" grant suggested.

We have endeavoured to explain the principle of this scheme, as we believe that, if it were generally understood, it would, on the financial side of our problem, lead to the application of conditions which would tend both to local economy and to fair and legitimate central control. The relative amount of the grant would be settled, according to the standard of expenditure per head of the population and the standard of assessable value agreed upon for a definite period, such as ten years. It would not vary according

Recommendation XLI.

to population merely, nor according to the number of certified patients, as in the case of the 4s. grant. It would be an equalising grant and it would be sufficient, being reckoned, it is suggested, as amounting in all to a half of the expenditure. Nor do we apprehend any difficulty as to defining the classes of mentally defective persons—a point raised by Lord Balfour of Burleigh—for, though in every series of recognised variations there must be borderland instances, the typical variations of mental defect are now generally recognised by members of the medical profession, and by others who are conversant with the subject; and, subject to the many safeguards contained in our recommendations, this would, we believe, suffice to prevent abuse and unwise expenditure. The scheme, too, is applicable to particular branches of administration as well as to a general subsidy payable towards the cost of local administration as a whole; and we would have submitted some examples of its application to administration connected with the care and control of the mentally defective had the preliminary data been forthcoming. But, in order to ascertain what in that regard would be suitable standards of expenditure and assessment, local inquiries would have to be made in a certain number of representative districts as to the extent to which different methods would have to be adopted in dealing with individual cases, for much would turn upon the answers obtained to such questions as these: How many of the mentally defective children will receive no benefit from "special" education, and should therefore be provided for in some more appropriate, but for them equally effective, manner; how many should remain with their parents, requiring no institutional maintenance; how many should be placed in "colonies." And equally in regard to the unsound in mind, much would turn on the extent to which persons in the asylums could be provided for as effectively and more economically in other and cheaper buildings, either near the existing asylums, or as part of some "colony." Further the cases of persons suffering from mental defect would have to be considered which are related at present to no department of administration, but are found in the general population; and for many of whom provision of some kind may be necessary. And so in the case of other classes.

Adoption of "Block" grant suggested—*contd.* Recommendation XLI.

See Lord Balfour of Burleigh's separate recommendations, Report of Royal Commission on Local Taxation, 1901. Cd. 638, p. 83.

835. The second scheme that we submit contemplates the division of the whole local expenditure on the mentally defective, excepting expenditure incurred in capital expenditure such as the building of institutions, the purchase of sites, etc., into two equal parts, of which one would be paid by the local authorities, and one by the Exchequer. The grants made by the Exchequer would be safeguarded. In order to protect the State against undue demands being made upon it, the Board of Control would be charged with the duty of certifying that the expenditure of the local authority had been proper and reasonable before the Exchequer issued its contribution. The advantage of this scheme is that the expenditure, towards which each grant from the Exchequer will be payable, will be subject to the official and independent scrutiny of the Central Board, and if the Board is supported in the event of its objecting to expenditure incurred by municipal and other bodies, it will be able to check undue expenditure very effectively. We think it right to mention this point, for the evidence shows how easy it is for an administration to slip into expensive methods of providing accommodation, and in such circumstances as those, for instance, which have prevailed in recent years, how difficult it is to check the decline. In view of these considerations, we recommend this as an alternative scheme of providing assistance to the local authorities from the Exchequer under conditions which should "secure economy."

Alternative scheme suggested. Recommendation XLI.

Cf. paragraphs 667–672. Spence, Vol. III., 21081–21084, 21073. John Macpherson, Vol. III., 21258–21263.

836. We have, also, recommended that, in addition to the grant made under one or other scheme referred to above, there be provided from the Exchequer annually for a term of years a grant-in-aid for the provision of necessary accommodation in the manner, and in the locality advised by the Board of Control.

Grant-in-aid for term of years for provision of accommodation. Recommendation XLI.

FINANCIAL CHARGES AND ESTIMATES FOR DIFFERENT CLASSES OF MENTALLY DEFECTIVE PERSONS IN THE AREAS INVESTIGATED BY THE MEDICAL INVESTIGATORS.

837. In regard to an estimation of financial charges all that it seems possible for us to do with any accuracy is to take as typical the areas in England and Wales in which the medical investigators have made their inquiries, and to treat these areas as a whole, and, in regard to each item, to set down how far the

Number of mentally defective in a conjoint investigated area.

Number of mentally defective in a conjoint investigated area—*contd.*

mentally defective are already supported from rates and taxes, and to submit some data that might be considered as preliminary to an estimate. Though we have later on ventured to make a general estimate of mentally defective persons "needing provision," as some such statement is likely to be desired, the course we here adopt is better, we think, than to apply proportionately to the whole of England and Wales the rough and uncertain estimate, which is all we can devise, of expenditure based on the data collected in the investigated areas taken together. Further inquiry alone could show what the value of any such estimate could be. Accordingly, here we only reprint the table in Paragraph 568 above and deal with the items in it point by point on the financial side, and in the table, it will be understood, none of the figures (cols. 2, 3 and 5) are mere estimates. They are figures which represent the actual facts as reported to us. Thus, for instance, we have entered no estimate of the number of certified lunatics that there may be proportionately in the investigated areas, nor of the number of mentally defective inebriates. The figures represent actual counts only.

See Vol. VI., Table III., IV., V., pp. 58–62, Part III. of Memorandum, and Forms Part I., pp. 7, 8 and 9.

TOTALS, less certified lunatics, of Mentally Defective Persons in the selected areas, England and Wales, in relation to local and other authorities and institutions for Education, Poor Relief, Crime and Lunacy, etc. Population, 2,362,222.

Authorities.	Total population, dealt with by the several authorities.	Total number of persons other than certified lunatics reported as mentally defective.	Percentage of Col. 3 on Col. 2.	Total number of mentally defective persons reported as "needing provision."[1]	Percentage of Col. 5 on Col. 3.
1.	2.	3.	4.	5.	6.
I. Education—					
Scholars on the Registers	436,833	3,437	·79	2,590	75·36
II. Poor Law—					
(1) Indoor paupers -	15,748[2]	2,864[3]	18·19	481	16·79
(2) Outdoor paupers -	43,155[2]	997[3]	2·31	388	38·92
III. Prison Authorities—					
Local Prisoners - -	2,448[4]	246	10·05	216	87·81
IV. Persons mostly under no public authority - -	1,864,038[5]	3,381[3]	·18	1,181	34·93
Population of total areas -	2,362,222	10,925[3]	·46	4,856	44·45

[1] The object of this column is to supply an estimate of the number of persons at the present time urgently in need of provision, either: (1) in their own interest; (2) for the public safety. It is recognised that there may be many others for whom the present accommodation is not ideal; these are not here included, but only such cases as are, in the opinion of the investigator, improperly, unsuitably, or unkindly cared for; or who, by reason of particular habits and characteristics, are a source of danger to the community in which they live.

[2] Less Insane (excluding lunatics in county and borough asylums, registered hospitals and licensed houses). *See* Pauperism (England and Wales) Half-yearly Statements, July 1st, 1905, pp. 17, 21, 23, 25, 27, 33, 35, 37, and 39.

[3] There were 1,414 persons found to be lunatic or insane and *not* certified. They are included chiefly in groups II. and IV. The number of these "needing provision" was returned as 141, or 9·97 per cent. of the total.

[4] This figure represents the number of prisoners seen in the local prisons. No mentally defective persons in convict prisons are included.

[5] This is the general population other than that included in institutions, etc., as above.

Education. Pooley, Vol. I., 242 and p. 96 *ante*.

838. I. Education.—Under column 3, there are 3,437 mentally defective children, and of these, as defined in the note, 2,590 "need provision." For these, in so far as they are "defective," and come under the Elementary Education (Defective and Epileptic Children) Act, 1899, if it be adopted, provision is already made in special schools or classes, and in these circumstances further payment is already made at the average of £10 a head—£4 from the Government, and £6 from the rates—a minimum average expenditure probably. Of the total 3,437, 2,963 were returned to us as "defective" by the medical investigators, and the remainder are almost all idiot, imbecile, feeble-minded, or sane epileptics.

Memorandum, Vol. VI., p. 59.

Recommendation I., XXVII. and LXXIV.

Thus for the bulk of this class, school provision and, if it is required (*see* p. 95), boarding in houses or special schools may be provided under the Act; and, if the Act were made compulsory, as many witnesses have desired,

a great part of the expenditure under this head would have to be met under existing statutes. Our recommendations would impose on the local authority and the Board of Control the obligation of dealing with all these children under the general Act for the Care and Control of Mentally Defective Persons. Education—*contd.*

The net expenditure from grants and rates on maintenance "in the certified day schools, conducted by school authorities for defective children," in 1902–3 was £35,633, with an average attendance of 3,474 children.

If the Act of 1899 were made compulsory, the expenditure that could be claimed on these terms for the mentally defective children in the conjoint area would be (3437 × 10) = £34,370, and for those "needing provision" £25,900.* To this figure some addition probably would have to be made to represent the cost over and above £10 per annum payable for cases which require treatment in residential institutions. On the other hand a deduction would have to be allowed for the annual cost of children in special day schools, which may be reduced below £10 by the adoption of other methods of care and treatment. The difficulty of making any certain estimate is obvious.

839. II. Poor Law.—Under this head come 2,864 indoor paupers—being mentally defective, of whom 481 "need provision." "The expenditure of Poor Law authorities exclusively relating to indoor relief," £7,251,874, includes "in-maintenance"† "salaries and other remunerations, rations and superannuation allowances of officers and servants; buildings, furniture, rent, rates and taxes; loan charges; principal repaid and interest; and other expenses. This total expenditure represents "an average cost per head of the mean number of indoor paupers‡ relieved of £37 16s.3d. in London, of £24 14s. 8¼d. outside London, and of £28 10s. 11¾d. for the whole of England and Wales." Poor Law. Annual Report of Local Government Board, 1905–1906, clvi.–clvii.

840. It is likely that many pauper lunatics in workhouses cost less than £28 10s. 11¾d. a head, though in particular institutions which are technically "workhouses," such as at Tooting Bec and the Darenth Imbecile Institutions, etc., they cost more. There are, however, no data for a more exact computation. The mentally defective in receipt of indoor relief who are already being maintained, becoming chargeable to committees for the care of the mentally defective instead of to boards of guardians, would represent not a new charge but only a transferred charge on public funds. Possibly under the suggested new conditions, the charge in many instances might be less than that which is now entailed by their maintenance. As a mere estimate the cost of "in-maintenance" might be taken at £28 11s. This would produce £81,767 as the cost of the total number of mentally defective persons in receipt of indoor relief, namely 2,864 persons, and for the cases needing provision (481) it would produce £13,732. See Mann, Vol. I., p. 284, 2.

* The estimate may be made in another way—that adopted in the case of Ireland (*see* Paragraph 1100 (c.), p. 437). It may be estimated (Kerr, Vol. I., p. 435, col. 1) that 25 per cent. of the mentally defective children will require maintenance in some kind of home or colony, and at present charges the cost per child so dealt with may be entered at £29 (Vol. III., p. 335). Both these factors—the number of the children to be so dealt with and the cost per child—are open to revision on further experience, and the cost especially may be considered high. But, subject to these qualifications, the estimate would, on these terms, be £38,193 for children "needing provision" as against £25,900, the figure in the text.

† "'In maintenance' comprises all the expenses incurred by boards of guardians, by the managers of the Metropolitan Asylum District (excepting patients treated in the small pox, fever, etc., hospitals, who, not being 'paupers,' are excluded from the term 'Poor Law institutions'), and of the asylum and school districts, and by Poor Law joint committees, in and about the maintenance, treatment, and relief of paupers in workhouses and other Poor Law institutions, *exclusive* of the cost of buildings and repairs thereto and furniture, and the salaries or other remuneration, rations, and superannuation allowances of the officers and servants, but *inclusive* of charges for apprentice fees, outfits, burials, and the necessary expenses incurred in warming, cleansing, and lighting the institutions, and otherwise keeping them fit for daily use. The cost of maintenance of vagrants in the vagrant wards is also included under this head." Annual Report of Local Government Board, 1905-6, p. cxlviii.

‡ "For the purposes of this calculation 'indoor paupers' is taken to include (*a*) those maintained in workhouses and in other Poor Law establishments under the direct control of guardians, including separate homes and schools, and schools under the direction of the managers of school districts, in sick asylums in London belonging to the managers of the sick asylum districts, and also in the institutions other than fever and smallpox hospitals belonging to the Managers of the Metropolitan Asylum District; and (*b*) the paupers who were maintained in hospitals and in other institutions, not under the direct control of guardians, which are designed for the education and training of children or to meet cases of particular infirmity for which the organisation of the workhouse may not be adequate, *e.g.*, institutions for the blind, deaf and dumb." Annual Report of Local Government Board, p. clvii. footnote.

Poor Law—*contd.*

Annual Report of Local Government Board, 1905–6, p. cxlviii.

841. Under Outdoor relief, 997 persons are entered, and 388 "need provision." "Out-relief represents the charges for relief, whether given in money or in kind to paupers—not being lunatics in asylums, registered hospitals and licensed houses—relieved otherwise than in workhouses and other institutions as are mentioned above, or in hospitals, institutions for the deaf and dumb or blind, or certified schools, together with school fees, schooling, and other expenses incurred with respect to such paupers, but exclusive of the salaries, &c., of officers and the charges for relief stations."

p. clvii.

The cost of outdoor relief per head thus defined is £6 18s. 10¼d. Taken at £6 19s. this would amount to almost £6,929 for the total number of mental defectives in receipt of outdoor relief in the conjoint area, and for those "needing provision" about £2,696—if they were kept as they are now kept. There is thus on their account a public charge of nearly £7,000 a year on the whole number, which may be considered as a transferred and not a new expenditure, if they were placed under other conditions in the charge of the proposed Committees.

Lunacy.

Annual Report of Local Government Board, 1905–6, p. 561.

842. Lunacy. The number 1,414 referred to in note 3 of the table on p. 276 represents lunatics who are not certified, but in the opinion of the Medical Investigators should be. The pauper lunatics in England and Wales were returned by the Commissioners in Lunacy as 111,079 on the 1st January, 1906; but, by that return (Cols. 2 and 3), only 85,990 of these were "maintained in county and borough asylums, registered hospitals and licensed houses."

p. cxliv.

The total expenditure (other than that out of loans) incurred for the maintenance of lunatics in county and borough asylums, registered hospitals, and licensed houses during the year ended Lady Day, 1905, was £2,339,963. "In this item the full sum charged by the asylum and other authorities for the support of insane paupers chargeable to the poor (or in London the general) rates is shown, without any deductions on account of grants charged on the

p. cxlix.

Exchequer Contribution Accounts of County and County Borough Councils." Thus the cost, per lunatic chargeable, as above, would be, approximately, £27·21.

We may say, however, that in this case, too, the expenditure on the mentally defective persons is already a recognised public charge, so that the 1,414 persons entered in our table do not represent a new demand on public funds. About a thousand of these are already in receipt of "in-door" or "out-door" relief and come under those headings. At the above rate, if they had to be provided for as lunatics, they would cost £38,475 a year. Proportionately, the number of "certified" pauper lunatics in the conjoint area would be about 8,067, and would cost about £219,503.

Prison authorities.

Annual Report of the Prisons Commission, 1905. pp. 107.

843. III. Prison Authorities. The local prisoners in the conjoint area who are mentally defective numbered 246 (col. 3), or as "needing provision" 216. From the Report of the Prisons Commission, 1905, pp. 106, 108, the expenditure on prisoners, exclusive of new buildings and alterations, was £27 a head; but this is on the basis of a year's maintenance. Many of these prisoners would only be in prison for a few weeks, and much more economical provision could probably in this instance, as in others, be made for them. But if the State accepted its responsibility of ameliorating their condition through detention in prison, it might be considered that already the £27 might legitimately be spent on them, as in the case of the convict prison at Parkhurst, out of which a kind of "colony" has been developed. On this understanding, the cost of the prisoners in the local prisons would be £6,642 in the case of the whole number of mental defectives, and £5,832 for those "needing provision."

Persons mostly under no public authority.

844. IV. "Persons mostly under no public authority." Of these, 3,381 is the total number, and 1,181 "need provision." In regard to these, it is not possible to make an estimate. But if all who need provision had to be maintained at 10s. a week, the cost would be £30,706; if the total number found were so maintained, it would be about £87,906.

Statistics of numbers and expenditure in a conjoint investigated area, according to classes.

845. On this basis we might set out the estimate of expenditure in the conjoint area; the figures are estimated on present basis of expenditure, *see* paragraphs 837–844, and we may supplement them by adding estimates of the number of certified pauper lunatics and mentally defective inebriates :—

ROUGH ESTIMATES: CONJOINT AREA.

Population 2,362,222.

Class. 1	Total reported as Mentally Defective. 2	Estimated Annual Cost of Col. 2. 3	Total reported as "needing provision." 4	Estimated Annual Cost of Col. 4. 5	Whether already and to what extent chargeable to State or Local Funds. 6
I. Education:		£		£	
Scholars on the Registers.	3,437	34,370	2,590	25,900	These would be already chargeable to the extent of about £10 each, if the Elementary Education (Defective and Epileptic Children) Act of 1899 were made compulsory.†
II. Poor Law:					
(1) In-door Paupers	2,864	81,767	481	13,732	Already chargeable. Yearly charge taken at £28·11s. subject to considerations mentioned in the text.
(2) Out-door Paupers	997	6,929	388	2,696	Already chargeable at £6 19s.
III. Lunacy:					
(1) Uncertified Lunatics	[1,414]	—	[1,414]	—	Reported by Medical Investigators as certifiable, and if certified would be chargeable at the cost of £27·21 for maintenance. Practically 1,000 of these are already chargeable under the Poor Law—II. above, as indoor or out-door paupers. *See* Statistics, pp. 56, 58, 60, Part III., Reports of the Medical Investigators, Vol. VI. Others are to be found in the other classes, especially in Class VI.
(2) Certified Pauper Lunatics.	*8,067	219,503	—	—	This is a proportional number for the Conjoint Area. The cost is taken at £27·21 for maintenance. These are already maintained.
IV. Local Prisoners	246	6,642	216	5,832	Already *quâ* prisoners chargeable to the State while in prison. Annual cost of prisoner £27a head.
V. Mentally defective Inebriates.	*27	1,080	—	—	Already chargeable. The number (col. 2) estimated. *See* Report of Inspector for the year 1905 [Cd. 3246] p. 5. "Under detention at end of year" in Certified Inebriate Reformatories, 970. Of these 45 per cent. estimated as mentally defective (*see* paragraph 413 above): 436 therefore taken to be mentally defective: or in "conjoint area" only, 27. The maintenance expenditure, less cost of farm, garden, and industrial occupation, averages £40. —Report of the Inspector under the Inebriates Acts for year 1905 (Cd. 3246), pp. 70 and 71.
VI. Persons outside any of the above classes.	3,381	87,906	1,181	30,706	Not already chargeable. Estimated charge 10s. a week

* These are Estimates.

† The estimate may be made in another way—that adopted in the case of Ireland (*see* Paragraph 1100 (*c*) p. 437). It may be estimated (Kerr, Vol. I., p. 435, col. 1) that 25 per cent. of the mentally defective children will require maintenance in some kind of home or colony, and at present charges the cost per child so dealt with may be entered at £29 (Vol. III., p. 335). Both these factors—the number of the children to be so dealt with and the cost per child—are open to revision on further experience, and the cost especially may be considered high. But, subject to these qualifications, the estimate would, on these terms, be £38,193 for children "needing provision" as against £25,900, the figure in the text.

Conclusions and reservations as to statistics of numbers and expenditure in the conjoint investigated area.

846. This table shows that in an investigated area of 2,362,222 persons the budget of a local authority for the care of mentally defective persons may be expected to amount to about £438,197, in connection with 19,019 of such persons. Or if those who "need provision," the urgent cases, only are considered, the charge at the same rates may be estimated at £78,866—for 4,856 persons. But this statement taken by itself would be misleading. Those who "need provision" do not "need provision" of the same kind or at the same cost as that which they are now receiving. Nor, necessarily, do those whose cases have not been marked down as urgent, as "needing provision," require the provision which is now made for them and no other. Many of them may require a larger financial expenditure, as, for instance, removal from a special school or a workhouse, more constant attention and care. Some, on the other hand, may do better at a lesser charge, as, for instance, where a simple farm colony would take the place of a highly specialised asylum or training home.

So far as the items in the above table are concerned, the only charges which are almost entirely new are (Col. 3) for cases "outside any of the above classes." £87,906, or, if urgent cases, those "needing provision" only, are dealt with; £30,706, affecting in the one instance 3,381, in the other 1,181, persons. The expenditure here is calculated at the rate of 10s. a week per case; but obviously the rates of expenditure must vary greatly according to the case. Further, it will be understood (Col. 5) that in Class I. Education, the £25,900 entered against the 2,590 children who are in urgent need of new arrangements, is not now being spent. It is, practically, a new charge; for, now, it is optional under the Elementary Education (Defective and Epileptic Children) Act, 1899, to incur this charge, and it is not incurred. This £25,900 should, also, therefore be treated as added to the charges of the future. Again in the case of children of school age, if they are properly cared for, the charges on their account are likely to continue after school age to a greater extent than heretofore; and the after-charges must often exceed £10 a year; the sum estimated as payable for them at the special schools. On the other hand (*see* IV. Local Prisoners: Estimated Annual Cost (Col. 5)), local prisoners are not in many cases kept in prison for nearly a year; but for want of a better basis of calculation, the estimated annual cost of their maintenance has been taken for that period. This would be more consistent with the probable requirements of mentally defective prisoners in the future, but it represents a sum in excess of present expenditure. No entry is here made in regard to convict prisoners; a small number are mentally defective and are supported by the State (*see* p. 188 *ante*).

In general, it will be observed, to how very large an extent the changes, which we propose, are changes of reorganisation, and to how comparatively small an extent, do they involve new or very large charges.

England and Wales. Number of the Mentally Defective, "needing provision."

847. For practical purposes an estimate of the cost of dealing with the cases of persons "needing provision," the urgent cases, in England and Wales, will be more useful than a general estimate, and accordingly we limit ourselves to it. The Table below refers to these cases only. In column 5 final estimates of their cost are given:—

(1) Class I., col. 5, mentally defective scholars are taken at the present charges per head; but, as has been explained, those charges have yet to be incurred in regard to the 35,804 children in the estimate (col. 3).

(2) Class II., col. 5. The cost of indoor paupers, who "need provision" is entered in both the cols. 4 and 5; in col. 4 as representing expenditure already incurred, in 5 as representing part of the expenditure which would fall within the province of the Board of Control in future years. No additional expense probably will have to be incurred in regard to them. The present cost of outdoor paupers who are mentally defective may be taken at £33,290, but a considerably larger expenditure must be anticipated. This expenditure has been calculated at 10s. a week, and the estimate of the future annual cost under this head will thus become £124,540.

(3) Class IV., col. 5. The estimate for the cases of prisoners is ample.

(4) Class VI., col. 5. The estimate for these persons who are outside the other classes, viz., 17,317, is at 10s. per week per annum, and amounts to £450,242.

The total required is thus estimated approximately at £866,000.

ROUGH ESTIMATES: ENGLAND AND WALES.

TOTAL NUMBER OF MENTALLY DEFECTIVE PERSONS "NEEDING PROVISION" and their annual cost of maintenance as estimated, but subject to various qualifications mentioned in the text, and already in great part chargeable to rates and taxes.

England and Wales. Number of Mentally Defective "needing provision"—*contd.*

Class.	Population.	Estimated Number of Mentally Defective "Needing Provision."	Annual Cost, Estimated on the present basis subject to such qualifications as are above mentioned.	Annual Cost estimated for the future, subject to such qualifications as are above mentioned.
1.	2.	3.	4.	5.
			£	£.
I.—Education.				
Scholars on the Registers	6,044,394	35,804	358,040	358,040
II.—Poor Law.				
(1) Indoor Paupers	229,804	6,990	199,564	199,564
(2) Outdoor Paupers	532,778	4,790	33,290	124,540
III.—Lunacy.				
Certified Lunatics	121,979*	—	—	—
IV.—Local Prisons.				
Prisoners	18,217	1,608	43,416	43,416
V.—Inebriates in Certified Inebriate Reformatories	970*	—	—	—
VI.—Persons outside any of the above Classes	25,579,701	17,317	—	450,242
TOTAL	32,527,843	66,509	634,310	1,175,802

* For these provision is already made.

848. Reducing the question, therefore, to the estimated charges for person "needing provision"—the urgent cases—in England and Wales, we may estimate the annual cost at £1,175,802, an increase over the present annual cost of £541,492. It does not follow that the whole of this amount will have to be borne by the public. Some part will doubtless be furnished by relatives of the persons provided for, as is the case at present with lunatics and inmates of reformatories and industrial schools; and, further, we anticipate that the establishment of a new class of institution on simpler and more economic lines and the adoption of new methods of care and maintenance, especially family care or guardianship on the plans that we have described in France and Belgium, or boarding out, as applied to the case of the mentally defective in Scotland, will result in a considerable diminution of the expenses now incurred in respect of the treatment of persons of unsound mind.

849. Lastly, we come to the charges for the Board of Control. The yearly charges are:— Cost of the proposed Board of Control.

	£
Lunacy Commissioners (for year ended 31st March, 1905)*	14,752
Masters in Lunacy and Visitors in Lunacy (for year ending 31st March, 1906)	19,805
	34,557

Trevor, Vol. IV., 25382. Ambrose, Vol. IV., p. 154, c. 2.

In view of the various proposals that we have made for the reorganisation and concentration of the judicial and administrative work now being done for the mentally defective, we do not think that this sum need be exceeded in spite of the appointment of the additional officers which we have recommended, though with a reduction of the percentage charged for administration which we have suggested, some additional cost may fall upon the Exchequer.

ACCOUNTS OF ASYLUMS AND AUDIT.

850. We would conclude with a reference to suggestions made to us in regard to the accounts of asylums. It is urged that in connection with the Lunacy Commission there should be an accounts department. There is, it is stated, no uniformity in the preparation of asylum accounts; and owing to a certain rivalry among asylums to show a low rate of maintenance, some asylums, for instance, are led to charge to the repairs

Pasmore Vol. IV., p. 281, c. 1, 32493. Cunynghame, Vol. IV., 33519.

* The cost of the Commission 1906–1907 was (net) £15,618 8s. 11d. (Appropriation Accounts).

Accounts of asylums and audit.

Clare, Vol. IV., 33697.

Clare, Vol. IV., 33698.

Clare, Vol. IV., 33699.

account items which other asylums charge to their maintenance account. Another witness points out that "asylums in which the conditions cannot be very substantially different, spend on maintenance a difference probably between 9s. and 12s. or 13s. a week." This should be explained, he urges. The visiting committee should also be asked to show their specifications for tenders and other contract prices. The Commissioners, "if they found that in one asylum they were spending 4d. a pound for meat on an average, and in another 3d.," should investigate the matter. "Even in Lancashire, where the asylums are all under one board, owing to the fact that each visiting committee have their own contracts, the variation in the price, although not very great, represents on the whole several thousands a year." The Lancashire Board was now considering "whether it would not be in the interest of the ratepayers as a whole that they should have a central committee to invite tenders and accept contracts."

Davy, Vol. IV., p. 350, col. 1, 34222.

Kershaw, Vol. IV., 32135.

851. The accounts of the visiting committees are subject to audit by the district auditors of the Local Government Board (Lunacy Act, 1891, Sec. 18), which we think should be as full and complete as possible; and the accounts of each asylum are included in the Local Taxation Returns, but there is no audit of borough accounts and stores. "So far as the boroughs are concerned, the greater part of the control and maintenance of lunacy in those places is beyond any sort of independent control," unless a special clause has been inserted in a local Act by which the audit is thrown on the auditors of the Local Government Board.

Kershaw, Vol. IV., 32126-32135, 32129.
Tunbridge Wells Improvement Act 1890, Sec. 272.
Plymouth Corporation Act, 1904, Sec. 6.
Poole Extension Order, 1905. Article XI.
Recommendation XCIV.

Recommendation XXIII.

We are of opinion that, in the interests of economical and satisfactory management, the accounts of boroughs relating to the care and control of the mentally defective, including the accounts of asylums, should be audited by the Local Government Board Auditor, and that the specification for tenders and the contract prices should be examined by the members of the Board of Control or be investigated by the Auditor of the Local Government Board on their behalf and form part of his report to the Board. The reports of auditors should also, in our opinion, be communicated to the Board of Control and the Home Office. In any circumstances, we think that economy of management in asylums should be a question considered and reported upon by the Board from year to year in their annual report.

Payments by Relatives.

Recommendation XCIII.
Davy, Vol. I 34222.

852. We have dwelt on the necessity of enforcing from relatives contributions for the maintenance of mentally defective persons in public asylums or elsewhere under public care and control. We are of opinion that continuous attention should be paid to this subject and very careful inquiry made, so as to prevent those who could afford to support their relatives wholly or in part leaving them to be maintained at the public charge. The principles on which these contributions should be enforced, remitted, or suspended ought, we think, to be laid down and enforced by the regulations of the Board of Control. The amount raised in this way from year to year should be definitely and sufficiently stated in the accounts of the asylums, so that the public may be able to judge whether adequate attention is paid to the subject, and the question should be equally considered by the proposed committees in the case of mentally defective persons who are dealt with otherwise than in asylums and hospitals.

Grants Subject to Certificate of the Board of Control Recommend tion XLI.

853. In these and in other matters, to strengthen the hands of the Board of Control we suggest, in Recommendation XLI., that the grant paid from the Exchequer to the local authorities should be payable "subject to the certificate of the Board of Control."

PART IX.

AMERICAN INSTITUTIONS FOR THE FEEBLE-MINDED.

CHAPTER XLI.

Institutions for the Feeble-minded in America.

854. We publish in a separate volume (Vol. VII.) simultaneously with this Report an account of a visit paid by some of our members to the United States of America in order to see the more remarkable American institutions for the care of the feeble-minded and epileptics. Our members were struck by the originality and directness of the methods adopted in several of these institutions with a view to stimulating the activity of the perceptive powers of the inmates, and, also, by the freedom from cramping and unnecessary regulations which enabled the managers to apply their minds to new experiments in education and organisation. They were also impressed with the large size of American institutions, some of which contained from 500 to 2,000 inmates. This seems to them to secure proper classification, the general plan being that each institution contains three departments, and it is perfectly easy to transfer an inmate from one to the other. These departments are, the Custodial for the lowest grade (*i.e.*, idiots), the school for the higher grade children, and the Industrial for the higher grade adults. These departments are entirely separate, and, often, at some little distance from one another, though under the same central management. Our members are of opinion that the large size of the institution tends not only to better classification but to greater economy. They also point out that the provision for the feeble-minded in America is on very economical lines. The capital outlay varies in the institutions they visited from £90 to £160 per head. We deal here, however, with only a few points which bear upon questions which we have discussed in this Report. Many details of interest will be found in the account of their visit which our members have drawn up.

Report of the Members of the Royal Commission on the Care and Control of the Feeble-minded upon their visit to American Institutions. Vol. VII.

855. As in England, so in America, the founders of the earlier institutions believed that by education, as ordinarily understood, they could bring the feeble-minded to such a level of intelligence as would enable them to earn their living. Experience showed by degrees that this aim, except in the higher grade cases, could not be accomplished; and later, in America, as in England, grave apprehension has been felt whether it was right to allow feeble-minded persons, more especially feeble-minded women of child-bearing age, to leave the shelter of institutional life. These two changes of opinion imply in effect a great modification of methods and of organisation. To give effect to them, little short of a remodelling of the whole institutional system is necessary. Space and opportunity have to be provided for manual labour of all kinds. The institution develops into the "colony," whatever be the name by which it is called, and this becomes the centre of a large estate, with the object both of employing the patients and of furnishing as large a part as possible of the necessaries of the establishment by their labour. And in the process of change, which is yet very far from complete, institutions for the feeble-minded stand at many different points of development, and endeavour to utilise the resources which they have inherited in many ways in order to meet the requirements which the change of opinion is now demanding.

The system of education or training.

856. The main issue is the method of education or training to be adopted with a view to a useful and contented life afterwards.

The Elwyn School in Pennsylvania. Vol. VII., p. 83.

The Elwyn School for Feeble-minded Children in Pennsylvania is "primarily a training school" under the management of Dr. Barr. He has compiled a careful scientific classification of the feeble-minded, which in the American use of the word includes all forms of congenital defect or retardation

The system of education and training—*contd.*

of the brain such as those we have included in the definitions (3) to (9) in Recommendation IV. Consistently with this he has framed a system of education, subject to the drawback, however, of the necessity of doing as much as he can for the children, while they are yet children and can remain in the School. "Owing to there being no power of detention and to the children being constantly taken away by their relatives, every effort is made by intensive education to fit them as rapidly as possible for a life of freedom, efforts doomed, in the opinion of Dr. Barr, to failure in the vast majority of cases." Vol. VII., p. 82.

Vol. VII., p. 83.

The actual classification of the School is shown as follows: There are 1,000 children: 303 are in the School Department, including 74 in "Improvement Classes," 277 are in the Custodial Department, including 79 in the Nursery. "When the limit of educability is reached we send them to the Custodial Home," Dr. Barr said. "There is very little to be done after the fifteenth year." The rest—rather less than half, 428, are in the Manual and Industrial Departments, 215 being "in household service." This shows how, even here, education, in the sense of reading and writing, occupies the time of but a small part of the children; and on the other hand music—a band and a large singing class, military training, and football and baseball teams, in which all who are capable of receiving any training take part, become important educational means. Yet the limitation of the whole method, however revised and improved, seems to no one, it would appear, more unsatisfactory than to Dr. Barr himself. A change of law in regard to detention might, however, alter the whole condition of the School. It would then become part of a larger organisation for the care of the feeble-minded—at least Dr. Barr's statements suggest such a development. He said: "No really feeble-minded child ought ever to be released from an institution. . . The high grade cases are very troublesome; the nearer they approach the normal, the worse they are. . . Most of the parents of these children are feeble-minded. . . We have quite a few cases of a third generation of defectives, nearly 100. . . Many of the children are absolute criminals. . . The absolutely bad children we cannot do anything with. We have fifty to seventy-five of them. I think the Government should take up the question of these children. I should have these form a national colony on the bad lands of the West, to be taken care of under military discipline. . . Of the 270 custodial cases about 100 are of the lowest grade who are unable to feed themselves." "There is a large waiting list seeking admission," the Commissioners point out; and "there is no systematic drafting of the uneducable cases to a colony or other custodial institution." In fact, there are the same conditions of isolation and block which affect our institutions for the care of the mentally defective in England.

Vol. VII., p. 83.

Vol. VII., p. 84.

Vol. VII., p. 84.

Vol. VII., p. 85.

Vol. VII., p. 86.

The Custodial Asylum, Rome, New York State. Vol. VII., p. 21.

857. But the more recently established institutions, or those practically remodelled under the influence of new ideas, adopt almost wholly the manual and industrial method of education.

The State Custodial Asylum at Rome, New York State, was established in 1893 originally as an institution for "untrainable idiots." It has a farm of 400 acres, which it is prepared to extend by the purchase of 1,000 acres more. The inmates consisted of men, women and children who required to be kept under control. "There was only one trained and certificated teacher. Dr. Bernstein discouraged any education in the ordinary sense of the word. He stated it was useless in most cases, and, where it succeeded, did not make for happiness, but increased restlessness, and a desire to leave the institution. He would like the whole of the time devoted to manual work, and this had been the case until lately. . . . . More than 50 per cent. of the inmates were actually occupied in cleaning floors or in domestic work of some trifling description. . . . ." Only one third were capable of doing work which had an estimable money value. Apart from domestic work, painting, repairing, etc., the farm was the chief source of employment.

Vol. VII., p. 20.

Large estates attached to institutions for the feeble-minded.

858. And the farm is prominent in many of the accounts of the American institutions. The New Jersey Training School for feeble-minded boys and girls has a farm of 280 acres. "In the spring the greater number of the children in the industrial classes are put to work on the farm." Part of the

Vol. VII., pp. 99, 101. Vol. VII., pp. 32, 86. pp. 103, p. 113, 120, 131.

land is used as an orchard, and the girls pick the fruit and assist in canning, and the garden beds are alloted to a child or a class of children for caretaking. "On the farm most of the work is done by the patients. There is only one paid farmer, one florist, and four paid assistants. Some of the boys are practically self-supporting. Five are capable of delivering coal from the railroad without supervision."

Large estates attached to institutions for the feeble-minded—*contd.*

The Craig Colony for Epileptics has the beautiful estate of Sonyea, consisting of over 1,900 acres. The State institution for the feeble-minded of Western Pennsylvania at Polk has an estate of over 800 acres. The New Jersey State village for epileptics at Skillman, New Jersey, has a farm of 890 acres. The institution for the feeble-minded at Columbia, Ohio, has a farm colony of 1,800 acres; and the Illinois asylum for feeble-minded children has a farm of 880 acres. At the Indiana school for feeble-minded youth, it is proposed to purchase 500 acres more farm land, on which none but workers will live. At the Illinois institution, the farm "contributed substantially to the economical maintenance of the inmates, and this was corroborated by the fact that the legislature had recently completed the leasing of another 480 acres of land to reduce still further the expenditure by supplying as much as possible for the institution. The probable reduction in the maintenance cost was estimated to be from 11s. to less than 8s. a week." Everywhere, it may be inferred, on the ground of training, employment, and economy, a considerable estate available as farm land appears to be thought desirable.

Vol. VII., p. 122.

Vol. VII., p. 135, par. 24.

859. But the utilisation of an estate for the training of the feeble-minded appeared to our members to be illustrated best by the two joint institutions of Waverley and Templeton, in Massachusetts.

860. The Waverley or Waltham School, established in 1851, has developed from the "School" into the Training Custodial Home, as opinion has changed on the question of training and control of the feeble-minded. The school has 180 acres of land. "To get the highest development of these people," Dr. Fernald says, "it is not well to specialise their work highly during the educational period. It is best to give them great variety. Reading and writing are only for a few of our patients. The character of the feeble-minded boy should be practical and should aim at fitting him for work." "In no case is the actual industrial work mixed with the experimental work. The girls go through a special educational school for cooking, laundry work, etc.; after going through these they are sent to do the actual work. The same applies to boys with regard to carpentry." Both are kept in school for some part of the day up to the age of eighteen. To do so longer "would ruin them for practical purposes." There are very few cases of the highest grade. As to the lower grade: Ninety per cent. of the idiots are expected to come out of their "school" or "cottage." "They mostly do physical work, but there is hardly a child who does not receive some instruction. Each attendant has a class in teaching children to wash their faces, to dress themselves, etc. . . . . A very large proportion can 'go up,' if the training is done in early childhood. If they are properly developed they are capable of doing physical manual work." So on this scheme of training, out of doors in a field, were young boys carrying stones, and older boys using pickaxes and breaking the earth, under one supervisor. "A party of girls, low grade cases, were carrying stones from one circular enclosure to another, for exercise and health and muscular instruction." "Many children were playing games and practising balance and exercises, under an expert teacher on the lawn"; and "about a dozen children were playing outside with a teacher, holding on to a rope. The teacher was beating a small drum. The children ran after balls, and the weak and paralytic were helped and encouraged to stand, and walk, and run."

The Waverley School, Massachusetts. Vol. VII., p. 51. p. 56.

Vol. VII., p. 59.

p. 58.

p. 59.

861. Connected, administratively, with Waverley, is the Templeton Colony. It represents, to some extent, the results of the system in its application to life in a "colony" after the age of training. It consists of "four groups of well-designed but very economical wooden cottages, standing some distance apart, each group affording room for fifty workers and the attendants."

The Templeton Colony, Vol. VII., p. 60.

PART IX.
AMERICAN INSTITUTIONS FOR THE FEEBLE-MINDED.

Chapter XLI.
Institutions for the Feeble-Minded in America.

Large estates attached to institutions for the feeble-minded —*contd.*
Vol. VII., p. 61.

The colonists, though all custodial cases, *i.e.*, idiots or marked imbeciles, are all required to do manual work, and many of them do nearly the full work of a free labourer. "We saw a group of four," the members of our Commission write, "with heavy sledges and hammers breaking rock, and drilling it for blasting with explosive; they were working steadily and without supervision. Further on was another group of five men working in a field. They were bringing in stooks of corn which they were loading upon a cart. Others in the shed were unloading and storing the corn. A further group was hauling brick in wheelbarrows. At a little distance, there was a row of about a dozen who under the supervision of one man only, were working a field with sharp pick-axes. An imbecile was ploughing with a pair of horses, his daily task. All of these men had come from Dr. Fernald's schools for the feeble-minded, and a large proportion of those who were busily and happily engaged in useful work could never be taught to read and write; some had not human speech. The previous training was of course essential: idiots and low grade imbeciles could not be employed in this way without preliminary training."

"All the cottages are built on essentially the same plan—solid brick foundations on cement with rough cast walls and slate roof. £20 was paid to the architect for the original design, after which all the buildings are modelled. The cost of building and furnishing a cottage is £2,000, although the cost of the group just erected, owing to rise in the material, was £2,400—£40 to £50 a head. The levelling, etc., is done by the inmates, as well as all carting, trenching, sewering, painting, and varnishing."

"In each of the cottages, there is a large sitting and dining room for the men. It is a pleasant apartment, with an immense open fireplace, and windows along three walls of the room. The impression given is that of a large, substantial farmhouse. . . . There are two dormitories in each group, holding twenty-five beds each. . . . The attendance in one cottage consists of a man and his wife, four women, and a laundress. In another group, it consists of a man and his wife, two male assistants, and three women. In each group there are rooms for the attendants. Belonging to each group is a barn, the care of which falls entirely to the inmates. An immense woodshed, where the entire supply
p. 62. for the colony is kept, furnishes employment for many of the men, especially in winter. There is no doctor in the colony, but the local physician looks after the care of the inmates. There is telephonic communication with Waverley. It is seldom that medical aid is required, as long a period as six months having passed without an illness or mishap occurring."

Vol. VII., p. 62.

"The training schools at Waverley and their adjunct, the Templeton Colony, appear to embody the ideals of Dr. Fernald and the State Commissions at Massachusetts as a permanent provision for the training and employment of custodial cases, whether feeble-minded, epileptic, or even of certain types of insanity. . . . . The ideal, and, of course, to a more limited extent, the practical realisation, made a most favourable impression on the Commissioners. It was a pleasure to see the happiness of the colonists, the humanity of their treatment, and the social utility of their employment in reproductive work, and with prospects of good economical results."

The Newark State Custodial Home for Feeble-minded Women.
Vol. VII., p. 28.

862. We desire to draw particular attention to the account given by our members of the Newark State Custodial Home for Feeble-minded Women, in some respects the most remarkable of the American institutions. The object of this institution is "to detain women of a child-bearing age, in order to prevent the propagation of persons of feeble mind with its attendant evils to the community." There are 600 inmates. "About half were decidedly imbecile or idiotic, the other half being high grade imbeciles, or young women whose defect was so slight that on casual observation it would not be evident." "Twenty-five per cent. were women who had been brought before a magistrate on some charge, and without being convicted by him had been sent to the asylum as a proper place for their detention." A small percentage had been transferred to Newark from prison and detained there after the expiration of their sentences. This institution is one of the brightest and most comfortable, and, also, one of

p. 26.

Vol. VII., p. 31.

Vol. VII., p. 28.

the most economical that our members visited. It is built on the detached cottage system, and the cost varied according to the different cottages, sinking as low as £50, and never rising much beyond £80 per bed. The weekly cost of maintenance per inmate was 9s. 6d. The Newark State Custodial Home for Feeble-minded Women. —*contd.*

* p. 31.
p. 27.

863. To the Report of our members on their visit to America (Vol. VII.) we desire to draw special attention. We propose many changes which will, we hope, facilitate an education such as is here described, followed by employment and occupation of healthy and useful nature, which is now entirely beyond the reach of the mentally defective. For, neither does their education at present, however careful and costly it be, fit them for it, nor has the community heretofore recognised the necessity of making provision for them after childhood in any organised or systematic manner. Conclusions.

The members of our Commission who visited America have summarised in definite conclusions the experiences which they have drawn from their visit. These should be read in relation to our Report. To one or two of the points on which they touch, we have made reference elsewhere. Vol. VII., p. 132.

PART X.

CHAPTER XLII.

EPILEPTICS.

864. By our reference, we have "to consider the existing methods of dealing with idiots and epileptics, and with imbecile feeble-minded or defective persons not certified under the Lunacy Laws." We have submitted evidence and recommendations in regard to all these classes except sane epileptics, for in regard to epileptics who are also mentally defective we have already reported, in part at least. In this chapter, therefore, we propose to submit some evidence respecting epileptics generally, but to allude chiefly to the position and requirements of sane epileptics.

DEFINITION OF SANE EPILEPTICS.

The use of the words "Sane Epileptics."

865. Sane epileptics, according to the phraseology of the Poor Law, are epileptics who are not certified as lunatics under the Lunacy Act of 1890. But it does not follow that a sane epileptic is not, in some degree, mentally defective. Many of them are. Thus under the Elementary Education (Defective and Epileptic Children) Act, 1899, Sec. 1 (*b*), an epileptic child is a child who, not being an idiot or an imbecile, is unfit by reason of severe epilepsy to attend an ordinary public elementary school. But a considerable proportion of these children who are provided for by the Education Authority in special schools are mentally defective, and, if not imbecile, at least feeble-minded in the sense in which we have defined the word. Indeed, the relation between epilepsy and mental defect is very close, and to define those for whom provision should be made as sane epileptics we have in the first instance to consider this relation. In doing so we will endeavour to indicate the serious effects which epilepsy appears to produce in persons who suffer from it and in their offspring.

Vol. II., p. 218.

Miss Skinner gave the following particulars as to epileptics then in York Union Infirmary:—"We have nineteen epileptics. These are placed in wards with special beds. Eight of these cases are certified. Five of these epileptics are sensible; two are feeble-minded; four are epileptic imbeciles; and eight are mental. Two of the epileptics are sisters; of these two, one is mental and noisy, the other sensible and quiet."

Conditions associated with Epilepsy.

866. Dr. Bond, the Medical Superintendent of the County of London Colony for Insane Epileptics, described the conditions associated with epilepsy, as follows:—"A neuropathic or psychopathic family history is pre-eminently the most important factor in the production of epilepsy and weak-mindedness, in all its grades, from simple mental defect on to all the graver mental reductions included under the term insanity. . . . The epileptic family history is to be regarded as especially dangerous. In the case of a parent who is epileptic the disease may be regarded as practically always present, and moreover, in the vast majority of cases it will have developed either early in life or at least prior to the birth of the next generation; whereas an attack of insanity may be recovered from, and, furthermore, in an appreciable number of cases described as possessing a family history of insanity, the insanity will not have appeared in the parent until after the birth of the children." When investigating the personal and family histories of 300 epileptics certified as insane, Dr. Bond found an epileptic family history almost as frequently as an insane one. Yet "that marriage was thought likely to 'cure the fits' has been repeatedly stated to him as the explanation of marriages which he had no compunction in stigmatising as social crimes and sins against posterity." "The prevalence of marriage with epileptics, though difficult to accurately estimate, is certainly not exaggerated, when it is mentioned that, in a series of 300 epileptics certified as insane (excluding the congenital cases, only one of whom was married) of those in whom epilepsy developed before the age of fourteen, no less than 20 per cent. had become subsequently married." And Dr. Bond later in his memorandum states that "in our present lamentably scanty knowledge as to what epilepsy really is, it is impossible to assert that there is any fundamental difference between the feeble-minded with, and the feeble-minded without, epilepsy." "He would prefer to regard all those who are congenitally weak-minded as predisposed to epilepsy, and the development of the latter disease as expressive of a further mental reduction."

Bond, Vol. I., p. 465, c. 1.

p. 465, c. 2.

Bond, Vol. I., p. 472, c. 1.

867. Dr. Alexander, Hon. Consulting Physician to the Maghull Home for Epileptics, associates epilepsy with a dulness of the intellect. "I do not think," he says, "that any epileptic escapes quite free from a certain amount of dulness. They have gradations from the simplest down to the severe. . . . They require to be looked after by somebody; they might be at home if their parents looked after them; they are not certifiable as being insane." And Dr. Clouston, Superintendent of the Royal Asylum, Edinburgh, says: "The real cause of mental feebleness in youth is undoubtedly the physical one of non-development of the brain cells which are the vehicle of mind. Fifty-one per cent. of all epilepsy comes on before fourteen years of age, and 95 per cent. before twenty-five. This shows its definite relationship to the developmental period of the brain."

The use of the words "Sane Epileptics." Alexander, Vol. II., 16794, 16796.

Clouston, Vol. III., p. 200, c. 2.

868. These quotations show that, in the opinion of competent observers, epilepsy and mental defect are as a rule closely associated, or rather perhaps are due both alike to some derangement of the brain, in the course of which sometimes one, sometimes both, come to light. It follows that though we may use the words "sane epileptic" as descriptive of a class, we cannot apply them absolutely to any large number of epileptics, for out of many who are termed "sane epileptics," and cannot but be treated as such, there are comparatively few who being epileptic are entirely free from mental defect. We may presume, therefore, that under the term "sane epileptics" we may include "epileptics whose minds are feeble but who will attend to advice; and praise or blame affects them:" —who are "subject to control by friends or self-control."

Alexander, Vol. II., 16725–16729.

Statistics of Epileptics.

869. This close relation between epilepsy and mental defect makes it very difficult to obtain any trustworthy statistics of epilepsy, considered by itself. The statistics, in fact, are little more than estimates.

Statistics of epilepsy generally.

(1) According to one estimate, the number of sane epileptics is one per 1,000 of the population, and "of that number only about one-fifth or one-sixth would be severe cases." On this estimate the number of epileptics would be about 32,527. Apart from this estimate, there have been one or two counts.

Gaskell, Vol. II., p. 310, c. 1, 16506. Ireland, Vol. III., 23998.

(2) Our medical investigators returned the number of sane epileptics as 1,373 in the areas which they investigated. The population of these areas combined is 2,362,222. This by proportion would give the number of sane epileptics in England and Wales as 19,516.

(3) Our medical investigators have furnished us with figures relating to sane epileptics in the areas in regard to which they made inquiries. We set out in the table below only the larger groups that may be compared with definite sectional populations, *e.g.*, the population of school children, the population of recipients of indoor relief, and the population of recipients of outdoor relief. The total number of epileptics in a population of 2,362,222, the population of these areas combined, was 1,373 (*see* Vol. VI. p. 53). Of these, 724 were either of school age (314 in all, *v.* cols. 4 and 5 below), or were in receipt of indoor relief (281 in all, *v.* cols. 10 and 11), or in receipt of outdoor relief (129 in all, *v.* cols. 16 and 17). The rest (649) come chiefly under the group "Known to practitioners" and the group "Other sources," that is to say, they are living among the general population:—

—	School Population.		Sane Epileptics.		Percentage.		Recipients of Indoor Relief (Adults).		Sane Epileptics.		Percentage.		Recipients of Outdoor Relief.		Sane Epileptics.		Percentage.	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Urban Areas	120,805	118,342	121	93	·10	·08	5,153	3,705	130	117	2·52	3·16	2,495	7,858	22	23	·88	·29
Mining Area	15,779	15,227	8	5	·05	·03	156	99	2	2	1·28	2·02	621	1,443	—	—	—	—
Rural Areas, England.	58,709	57,775	40	40	·07	·07	1,275	876	10	15	·78	1·71	3,340	8,059	9	21	·27	·26
Rural Areas, Wales.	25,157	25,039	3	4	·01	·02	270	184	3	2	1·11	1·09	1,058	3,816	20	34	1·89	·89
Total	220,450	216,383	172	142	·08	·07	6,854	4,864	145	136	2·12	2·80	7,514	21,176	51	78	·68	·37

Statistics of epilepsy generally—*contd.*

870. These figures show: (a) That the amount of epilepsy in the school population in urban areas is lower than the count made by Dr. Francis Warner which is mentioned below; (b) that it is rather larger in town than in country; (c) that in indoor relief it is a considerable factor, accounting in urban areas for 2·52 of the inmates in the case of men and 3·16 in the case of women.

Statistics of epileptics among the school population.
Beach, Vol. I., p. 379, c. 2.
Report of Departmental Committee on Defective and Epileptic Children, 1898, C. 8746, p. 31.

871. The number of epileptics among school children was ascertained by Dr. Francis Warner, Physician to the London Hospital, to be 110 out of 100,000 children; that is, 110 were "epileptics and children with a history of fits during school life." This would give proportionately a total of 6,275 in the school population of England Wales—5,705,000 in August, 1900. The Departmental Committee on Defective and Epileptic Children apparently accepted this estimate and concluded that probably about one-sixth of these epileptic children were suffering from severe epilepsy, and, not being insane, were suitable for special boarding-schools.

Beach, Vol. I., p. 380, c. 1.

In London, Birmingham, and Bradford there have been counts of epileptic children among the school population. In London, there were found to be 350 epileptic children under the jurisdiction of the School Board, and of these only sixty, or 17 per cent., were fit to undergo the ordinary school curriculum. There are eighty-five now (1905) in attendance.

Pinsent, Vol. II., p. 456, c. 2.

In Birmingham, in 1903, 206 cases between the ages of seven and sixteen were reported, but "after careful inquiry and examination only twenty seemed to the Medical Superintendent and the Committee to require separate treatment in a boarding school." These children were, according to the definition of the Elementary Education (Defective and Epileptic Children) Act, 1899, "children whose epilepsy is so frequent, so severe, and so disturbing to other children as to prevent them attending day schools."

Garbutt, Vol. II., p. 125, c. 1.

At Bradford, in 1905, the number of "known epileptic children of school age" was eighty—forty-two boys and thirty-eight girls. Of these thirteen were insane, eight mentally deficient, one blind, and fifty-eight sane. Of the fifty-eight "sane" children, twelve were unsuitable for school life, and forty-six had most of them (thirty-eight) fits very infrequently, and never or only extremely rarely at school.

872. These statements may be summed up thus:—

County or City.	Total children of school age.	Number of epileptics of school age.	Number suitable for ordinary school curriculum.	Number suitable for boarding schools.
1.	2.	3.	4.	5.
London chiefly (Dr. Francis Warner's examination) -	100,000	110	—	18[1]
London (1903) - - -	757,032[2]	350	60	—
Birmingham (1903) - -	93,896[3]	206	186	20
Bradford (1903) - - -	50,878[4]	80	46	—

[1] That is, one-sixth of the epileptic children of school age, according to the estimate submitted by the Departmental Committee.
[2] Number given by London County Council.
[3] Number given by Birmingham Education Committee.
[4] Number given by Bradford Education Committee.

Poor Law Statistics, Downes, Vol. I., 1811, 1841.

873. In regard to the Poor Law there are the following statements, in some degree supplementing the figures of our medical investigators.

See Return in Vol. I., p. 678a.

In the Metropolis, in 1893, the number of epileptics in workhouses, who were not certified as being of unsound mind, was returned as 626—267 males and 359 females. There were eleven male children under sixteen years of age and eleven female; 436 persons were between sixteen and sixty, 189 of them being male and 247 females; 168 were over sixty—67 males and 101 females. They were found to be of nearly every class of occupation; the largest entries were: 105, labourers; 65, domestic servants; 64, needlewomen or charing house work; 10, costermongers; 13, carpenters; and so on. One hundred and seventy were entered as having "no occupation." In the Poor Law schools in London, with 9,831 children, Dr. Warner found only five who were epileptic. From these returns, it would appear that the number of epileptic children in Poor Law institutions are few; that the number of female epileptics considerably exceeds the number of male epileptics; and that many of those who come on the Poor Law have had good trades, while a large number have either passed into the state of "no occupation," or have probably been employed in such casual and unskilled work as their malady allowed of their undertaking.

cf. Gaskell, Vol. II. p. 314, c. 2.

Beach, Vol. I., p. 380, c. 1.

As to the country at large, from a return made by the Local Government Board on September 1st, 1894, it appears that in the workhouses and infirmaries of 175 unions outside the Metropolis there were fifty-five boys and thirty-eight girls, total 93, who were epileptic only, and fifty-two boys and forty-six girls, total 98, who were both imbecile and epileptic. In the remaining unions, 443 in number, the returns "showed that there were no such children in the workhouses." This would give a percentage of 1·94 on the 9,833 children in receipt of indoor relief in England and Wales on July 1st, 1894, in the 175 unions. The return that there were no cases of epilepsy in 443 workhouses seems hardly credible, and throws some doubt on the return as a whole. Poor Law Statistics—*contd.*

Among the recipients of indoor relief at King's Norton, Aston and Birmingham, the epileptics, not classed as insane, were returned at 141 (including six children not more than sixteen years of age). Of these, seventy-one were classed as improvable, fifty-one being under the age of forty-five. Curtis, Vol. II., p. 442, c. 2.

We have, also, a return in regard to Hants with the Isle of Wight, Wilts and Dorset, and the Farnham Union which Mr. Baldwyn Fleming, General Inspector of the Local Government Board, submitted to us. The return showed that in this area there were 889 epileptic, idiots, and insane persons who were in receipt of indoor or outdoor relief. The number of sane epileptics included in the 889 persons was 193, of whom 102 were males and 91 females. The number of insane epileptics was 135—66 males and 69 females. Of the sane epileptics, 58 males and 50 females were in receipt of indoor relief; and 44 males and 41 females in receipt of outdoor relief. Of the insane epileptics the corresponding figures are: indoor, 49 males and 42 females; outdoor, 17 males and 27 females. Fleming, Vol. I., p. 678 (*b*).

874. Particulars taken from these returns are set out in the following table:—

Unions.	No. in receipt of indoor relief, less lunatics.			No. of sane epileptics.			Percentage of col. 7 on col. 4.	Remarks.
	M.	F.	Total.	M.	F.	Total.		
1.	2.	3.	4.	5.	6.	7.		
	Adults.							
1. Metropolis (1893).	17,437	17,452	34,889	267	359	626	1·79	These are epileptics not certified as being of unsound mind. (Vol. I., p. 678a).
	Children.							
2. 175 Unions outside the Metropolis (1894).			9,833	55	38	93	·90	55 Boys and 38 girls were epileptic only. 52 boys and 46 girls were imbecile and epileptic. Including the latter, the percentage would be 1·94.
443 Unions outside the Metropolis (1894).	—	—	27,197	Nil.	Nil.	Nil.	—	Half-Yearly Return of Pauperism (England and Wales), July 1st, 1894.
3. King's Norton, Aston and Birmingham (1905).	Total Adults and Children.		5,498	57	78	135	2·46	All these are sane epileptics. Of them 66 "might improve," it was considered: and 69 "would probably not improve." There were also 5 children who "might improve," and 1 child who "would probably not improve." The percentage, including the children, is 2·56.
4. Hampshire, Isle of Wight, Wilts (excepting Cricklade, and Wootton Bassett, and Swindon), Dorset, and the Farnham Union in Surrey, indoor and out (54 Unions).	Adults and Children (indoor and out)		37,911	102	91	193	·51	These 193 are sane epileptics. Under 20 there are 18: over 20 there are 88 males and 87 females. There are 135 insane epileptics. If we include both sane and insane epileptics, the percentage is ·86.

Poor Law Statistics—*contd.*

875. The figures suggest that the number of sane epileptics in urban districts in receipt of relief from the Poor Law is much larger than in rural districts. Probably in the latter case, however, a larger number remain with their relations. The large number found in rural districts under the headings "Known to general practitioners" and "Other sources" suggests this view.

876. To the reports of two of our medical investigators in regard to epileptics we will refer at greater length. They contain statistics with comments and conclusions.

Statistics of epileptic children Manchester, Chorlton and Prestwich. Vol. VI., p. 147.

In regard to his investigation of elementary schools in the Manchester, Chorlton, and Prestwich area, Dr. Melland has submitted to us the following results :—

Children on the School Register—Males.	Epileptics.		Children on the School Register—Females.	Epileptics.		Percentage of sane on total.	
	Sane.	Other.		Sane.	Other.	M.	F.
61,115	42	38	58,819	37	39	·07	·06

"Of these children," he says, "thirty were attending in the ordinary schools and were profiting by the instruction there. Twenty-two were attending the ordinary schools but did not get on satisfactorily, being more or less backward, though none to a degree that would justify their inclusion amongst the defective children. Eleven are away from school, five having passed the ordinary school age, the others mainly because the fits interfered materially with their getting to school. Sixteen are in the special school at the David Lewis Epileptic Colony." This statement shows generally what may be expected to be the distribution of sane epileptics in the schools of a large urban area. It suggests the necessity of a change in the school system in many cases.

Statistics and condition of epileptics in the workhouse, and at large, Manchester, Chorlton and Prestwich : Vol. VI., p. 149.

877. Our next figures refer to epileptics in the same area outside the schools. They explain the position of the epileptics in the workhouses and in receipt of outdoor relief, and indicate their distribution in the population generally.

	Population in Poor Law institutions less lunatics.	Epileptics.				Total sane epileptics.	Percentage.
		Sane.		Other.			
		M.	F.	M.	F.		
Manchester, Chorlton and Prestwich.	7,510 (In workhouses, 6,139 ; in schools, 1,371).	43	49	31	37	92	1·23
	6,901 in receipt of outdoor relief	8	13	9	8	21	·30
	Sanitary authorities	—	—	4	—	—	—
	Medical charities	19	28	5	7	47	—
	Known to general practitioners	37	33	8	3	70	—
	Other sources	10	7	10	7	17	—

Vol. VI., p. 63, c. 15. Vol. VI., pp. 173-175.

Dr. Melland writes : "There were *ninety-one persons in the workhouses whom I have included as sane epileptics—forty-two males, forty-nine females. The great majority of these, all except thirteen, have been obliged to come to the workhouse as the result of the interference with their power of getting or retaining work which the fits entailed. Several had held fairly good positions or done distinctly skilled work before their affliction forced them to relinquish their work. Thus one man of fifty-five had been a book-keeper till two years ago, when his memory began to be affected; another of forty-eight had been a lithographic printer for many years, another of sixty-one a skilled mechanic earning up to 30s. per week, another of forty-five had been a grocer, and so on."

Volume VI., p. 152.

"It is well recognised that many of those epileptics, who can only be classified as sane, exhibit certain minor mental defects which cannot, however, be looked upon as sufficient to remove them from this group. Many are perverse mentally,

*. There was also one sane epileptic in the casual ward, Vol. VI., p. 154.

liable to fits of irritability and passion, or show varying degrees of failing memory, or loss of quickness of perception. Still, bearing these considerations in mind the whole of these ninety-one cases would be looked on, broadly speaking, as sane, and it is a defect in our present workhouse arrangements that they should be living in the same quarters with those epileptics who are obviously feeble-minded and with the insane. It is with pleasure, therefore, that one notes that the Manchester and Chorlton guardians have built and equipped a special colony at Langho, in the Ribble Valley, for the reception of the sane epileptics under their care."

Statistics and conditions of Epileptics in workhouses, and at large, Manchester, Chorlton and Prestwich—*contd.* Vol. VI., pp. 152—153.

878. In receipt of outdoor relief, Dr. Melland says, there were "twenty-one sane epileptics; three of them are children, eight are adults in whom the attacks are so severe as to preclude the possibility of their earning their own living, and three, while able to do a certain amount of work, cannot follow the more skilled trades to which they were brought up."

Melland, Vol. VI., p. 156.

879. Dr. Pearse, in the investigation of Wiltshire unions, found 105 sane epileptics, and seventy-three others. Of the former, twenty-five were known to general practitioners, and forty-six were noted "from other sources." There were only nineteen in the schools, and only fifteen in receipt of Poor Law relief—six being in receipt of outdoor relief. Of the children—sane epileptics, seven in number, who were not found in school—he says: "In two cases, the fits are of slight severity; in the remainder, they are of sufficient severity to render attendance at school quite impossible, and the result will in all likelihood be marked mental enfeeblement." "The majority of the adults are able to continue to work. Eight women, however, and eleven men were so handicapped as to be unable to follow any vocation; it is almost a certainty that all these cases and a certain number of the former will sooner or later degenerate into feeble-minded epileptics." These cases he describes, and he says: "It has been a sad experience in making the inquiry to see so many otherwise healthy individuals drifting towards complete mental enfeeblement, and to realise that nothing can at present be done to arrest this. A contrary experience has been the visit paid to a small cottage home for epileptic women near Chippenham; here I found nine women, all feeble-minded and all afflicted with severe epilepsy; but the records of the home showed a very marked diminution in the frequency of the attacks after admission, and the inmates were able to work at basket making, book-binding, etc., thus relieving the monotony of their lives and contributing towards their maintenance." This represents the position of epileptics in a rural district. These facts combined with this contrast are sufficient, and they require no comment; and Dr. Melland's report in regard to the epileptics in an urban district is equally explicit.

Statistics and condition of epileptics. Wiltshire: Vol. VI. Pearse, pp. 253, 257 and 265.

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880. We will now consider epilepsy in relation to the Poor Law, the schools, prisons, and lunatic asylums; and we will describe the chief voluntary institutions for their benefit and the proposals made for their care.

The Poor Law and Epileptics.

881. When dealing, in Chapter V., Part I. above, with combinations of guardians for joint workhouses, we alluded to the Langho Colony for Epileptics not classed as insane. The colony was inaugurated by the Chorlton and Manchester Guardians in 1906. It is situated at Langho, about five miles from Blackburn. The buildings are sixteen in number, and occupy only a small proportion of the estate of 166 acres, which affords ample space for future expansion of the colony. These buildings provide accommodation for 272 patients, and the necessary officers and staff.

The Langho Colony for Epileptics. *See* para. 177 above.

There is an administration block, an assembly hall, 110 feet by 50 feet, with fine open timbered roof and a large stage, a hospital and mortuary block, a laundry block, a kitchen and store block, a medical superintendent's house, and a range of workshops for brushmakers, upholsterers, carpenters, tailors, shoemakers, and plumbers. The patients are housed in separate "Homes," each providing accommodation for forty sane epileptic patients, and of two storeys. On the ground floor is a central hall, approached through a vestibule from an entrance verandah. This central hall gives access to the principal

The Langho Colony for Epileptics—*contd.*

rooms on the floor, comprising a well-lighted day room, 34 feet by 20 feet, with bay window, a small room for patients seized with a fit or requiring temporary seclusion, a boot and cloak room, a dining room, 25 feet by 20 feet, with bay window, a scullery, with arrangements for keeping warm and serving the food delivered from the general kitchen, and having a crockery store and larder attached, a lavatory, with double bath-room adjoining, two store rooms, and a range of w.c.'s placed in a separate annexe. From the central hall a staircase leads up to the first floor, on which are provided two dormitories, each 49 feet by 20 feet, and containing eighteen beds, three single bedrooms, a lavatory and bathroom, and sanitary accommodation in a separated annexe.

Each home has a special warming apparatus installed in a room in the basement, with hot water circulation to radiators placed in the principal apartments, which are also provided with open fire-places and ample means of ventilation. In addition to the main staircase, two subsidiary ones are also arranged for the escape of patients from the upper floors in case of fire.

Apart from the cost of the land, which amounted to £13,267, an expenditure of £75,500 has been authorised on the buildings, but the administrative block has been erected on a scale sufficient for the needs of a much larger colony than that at present existing.

The resident medical officer in his report (July 31st, 1907), stated :—

> "The patients exhibit certain mental symptoms during the intervals between their fits, which are as much a part of the disease as the fits themselves, a fact that must be recognised in their treatment. The chief symptom is an irritability of disposition with a certain loss of self-control, which often asserts itself in attacks of temper and an unpleasant peevish disposition, it being no unusual occurence for patients to get up from their devotions and immediately give way to the most violent outbursts of temper and profanity. Many constantly ask and demand attention in the most persistent and offensive way, while others are very obstinate in minor matters. All exhibit a greater or lesser degree of mental weakness, and when excited often exhibit unpleasant symptoms. Some have attacks of mental disorder before or after their fits, while others have attacks of acute mental disorder in the intervals between their fits."

Workhouses unsuitable for epileptics.

Jenner-Fust, Vol. I., p. 139, c. 2. Dendy, Vol. I., 886, 905.

882. In regard to the Poor Law, there appears to be but one opinion, that epileptics, especially sane epileptics, should not remain in workhouses. Mr. Jenner-Fust, General Inspector of the Local Government Board, recommends that epileptics not classed as insane should be removed from the care of the guardians, since many, perhaps the majority, are to a certain extent of unsound mind, and some are dangerous when their fits occur; and he argues "that expert opinion advises that they can be properly treated in an asylum on the colony system apart from the lunatic or imbecile patients; and that guardians could not provide satisfactorily for them except in combination (to adopt which method for any purpose they have shown great unwillingness) and even then only for paupers." Dr. Downes, Senior Medical Inspector for Poor Law purposes of the Local Government Board, takes up the latter point and concludes that there should be a central authority, and that to avoid the difficulty of one authority, the Poor Law, dealing with pauper, and another authority dealing with non-pauper epileptics, a single authority should deal with all. Miss Fry points out how much sane epileptics now cost to the rates, even though they are living under conditions unsuitable to them:—"In one union in Somerset (population 24,250) there are two sane epileptics costing £13 each per annum in the workhouse, and five in receipt of out-relief, averaging 3s. 6d. per head per week, and eight insane epileptics in asylums, of whom seven cost £23 11s. 5½d. each per annum, and one costs £27 7s. 6d. per annum."

Downes, Vol. I., 1813.

Cf. also Dendy, Vol. I., 884–886. Wills, Vol. II., 14877. Brooks, Vol. II., p. 61, c. 2. Fry, Vol. II., p. 227, c. 1.

Gaskell, Vol. II., 16491, p. 313.

Mr. Gaskell, Secretary of the National Society for the Employment of Epileptics, said:—"In the absence of any special provision for persons thus afflicted, it is not surprising that in a large proportion of cases where they have no relations to maintain them they drift into the Poor Law infirmaries and workhouses. Here no arrangements are made for their occupation; the disease grows upon them; they deteriorate morally and mentally till at last a worse fate befalls them, and they end their days in the lunatic wards of the workhouse or in an asylum."

Beach, Vol. I., 7136.

Dr. Fletcher Beach, who gave evidence on behalf of the Royal College of Physicians, considered that workhouses were unsuitable for sane epileptics, and in support of this view quoted a sentence of Dr. Alexander's:—

> "They spend their time in workhouses, fighting and quarrelling and passing a miserable existence till they die."

Miss Wemyss, in her evidence regarding epileptics, stated:—"They need plenty of fresh air, and a variety in food, and a certain amount of liberty and variety in their lives, also to have their interest in their work cultivated, and to be treated with respect, not as paupers, and this increases their own self-respect, and raises and improves them in every way. From long and intimate personal knowledge of workhouse inmates one cannot help feeling that all these things, so necessary for the improvement of human character, are wanting in the generality of workhouses." Wemyss, Vol. II., 18505, p. 430, c. 2.

It would seem, therefore, that, as in the case of the mentally defective, it would be better that epileptics should be dealt with apart from the Poor Law and placed under the care of the Board of Control and the Committees for the care of the mentally defective. Curtis, Vol. II., 18762, p. 440, cols. 1 and 2. Recommendation XC. Rhodes, Vol. I., 9436, 9442. Townsend, Vol. II., 18324, p. 418, c. 1.

Elementary Education and Epileptics.

883. Next in regard to the children, the only legislation which deals directly with epileptics is the Elementary Education (Defective and Epileptic Children) Act, 1899, with its amending Act, dated 1903. The Elementary Education (Defective and Epileptic Children) Act, 1899, was the outcome of the Report of the Departmental Committee on Defective and Epileptic Children (C. 8746). In regard to epileptics, that Committee recommended that epileptic children of normal intellect who suffered only from a slight form of epilepsy should be educated in ordinary schools; that those who suffered from this form of epilepsy, and were feeble-minded, should be educated, like other defective children, in special classes or special schools; and that for epileptics who suffered from severe epilepsy, but were not insane or imbecile, special provision might be made. This provision took the form of special residential schools for epileptic children of from seven to sixteen years of age. By the Act, it was required that no school of this kind should contain more than sixty children, and no building attached to the school for the residence of children should house more than fifteen. The Act of 1903, permitted a modification of this limitation. By a minute of the Board of Education, "thirty" was substituted for "fifteen." The Elementary Education (Defective and Epileptic Children) Act, 1899. Report of Departmental Committee on Defective and Epileptic Children, 1898, c. 8746. Sec. 2 (6) Board of Education Minute, May 13th, 1904, p. 201, c. 1.

884. The Board of Education Minute (May 13th, 1904), appears to indicate that the Board expected to provide education in these schools for children, who were of normal intellect or merely somewhat backward. They write—"School instruction should as nearly as possible resemble that given in an ordinary elementary school." In the same minute, in reference to boarding schools for defective children, however, they say that the—"Instruction must be given in accordance with the rules prescribed by the Education Department for day schools and classes for defective children." Board of Education Minute, May 13th, 1904. Appendix, Vol. V., p. 201, c. 2. Appendix, Vol. V., p. 198, c. 1.

It is thus clear that the intention of the Act, and of the regulations drawn up by the Board of Education for its administration, was that these epileptic schools should be adapted for the reception and education of epileptic children, who suffer from severe epilepsy but who are not so mentally defective as to require to be educated as mentally defective children.

885. The Act of 1899, contains four provisions for dealing with epileptic children. It empowers education authorities (1) to enquire as to the number of children in their districts—"who, not being idiots or imbeciles, are unfit by reason of severe epilepsy to attend ordinary public elementary schools," and (2) to establish and maintain boarding schools for them, or (3) to acquire, maintain, or contribute to certified schools established by other agencies; and (4) it enables boards of guardians to contribute to certified schools in respect of scholars, who are either resident in a workhouse or in an institution to which they have been sent by the guardians. The Elementary Education (Defective and Epileptic Children), Act, 1899, Sec. 2 (2) and (3), and Sec. 9. The Elementary Education (Defective and Epileptic Children) Act, 1899, Sec. I., (1) (b).

Under the first of these provisions, the inquiries were made in London, Birmingham and Bradford, the results of which are stated in para. 871 above.

886. The second provision of the Act which enables education authorities to establish residential schools has not yet been adopted, though schemes for their establishment have been discussed by the authorities in London, Bradford, Surrey, and Bristol. Residential schools. Chance Vol. II. p 169, c., I. Fry, Vol. II, pp. 226, 227, c. 1. Kerr, I., p. 437, c. Garbutt, Vol. II. p. 125, c. 1 and 2.

Power to contribute to schools.

887. The third provision of the Act enables education authorities to contribute to certified epileptic schools established by other agencies. This has been acted upon to a limited extent. There are, at present, four certified epileptic schools in England with certified accommodation for 222 epileptic children, and they contained eighty-two children who were paid for by the education authorities.

888. The four schools are :—

Appendix, Vol. V., p. 188.

The School and Home for Epileptics at Lingfield, Surrey.—This was established and is maintained by the Christian Social Service Union. It is certified for 100 boarders, but at present houses 103, of whom twenty-nine are paid for by the education authorities, sixty-five by boards of guardians, and nine privately. It, like the Starnthwaite Colony, represents a very interesting and useful experiment. The schools are placed in large grounds. The cost of maintenance and schooling per child is 12s. 6d. a week. If half-a-crown a week were added it would earn per child the interest on the invested capital. The cost per bed, including cost of the site, redemption of capital, etc., has been £170.

Brooks, Vol. II., p. 63, c. 2, 12044–12061.

Appendix Vol. V. page 188.

The School and Home for Epileptics at Starnthwaite.—This was also established by the Christian Social Service Union. It is managed by a local committee. It is certified for thirty boarders, and has twenty-eight in residence, who are paid for by the education authorities and by boards of guardians.

Information supplied by the St. Elizabeth School Authorities.

The St. Elizabeth School for Epileptics at Much Hadham.—This was established and is maintained as a charity of the Roman Catholic Church. It is certified for fifty-six boarders, and has in residence twenty-one, of whom four are paid for by education authorities and fourteen by boards of guardians, and three were private cases.

Information supplied by the David Lewis Trust.

The School of the David Lewis Manchester Epileptic Colony was established by the trustees of the David Lewis bequest. It is licensed for thirty-six boarders, but forty-two are in residence. Of these thirty-eight are paid for by education authorities and four by boards of guardians.

Subscriptions by Poor Law Guardians to certified epileptic schools.

889. The fourth provision of the Act enables boards of guardians to subscribe to certified epileptic schools. Of this, advantage has been taken, as the evidence shows. In the four certified schools there would appear to be ninety-nine epileptic pauper children who are paid for by boards of guardians.

Classification of epileptics in certified schools.

890. In order to ascertain what classes of epileptics were cared for in these schools, some members of the Commission visited three of them. Returns were also obtained of the mental condition and the severity of the epilepsy in each case. An abstract of the returns is shown in the table below. "Severity of epilepsy" is severity as estimated by the superintendents. Cases entered as having no fits are cases in which the patients have had no fits since their admission or for a prolonged period, such as a year or so.

Severity of Epilepsy.	Total.	Mentally Defective.	Imbecile.	Normal.
1.	2.	3.	4.	5.
		Maintained by Education Authorities.		
Severe - - -	56	33	8	15
Mild - - -	13	9	1	3
No fits - - -	13	6	0	7
		Maintained by Boards of Guardians.		
Severe - - -	60	50	3	7
Mild - - -	33	25	0	8
No fits - - -	6	1	1	4
Total - -	181	124	13	44

This table shows that the number of epileptics who are dealt with by education authorities and boards of guardians in certified epileptic boarding schools is very small, and that of this small number, probably, many are epileptics who do not come under the definitions of the Act. Only 22 out of the 181 cases strictly satisfied the terms of the Act, severe epilepsy and normal intelligence.

891. So large is the number of mentally defective and imbecile children in these schools that it is reasonable to infer that they have become custodial homes, rather than boarding schools for children capable of education which "as nearly as possible resembles that given in an ordinary elementary school." Classification of epileptics in certified schools—*contd.* p. 201, c. 2. Appendix, Vol. V.,

892. On this point, the evidence of Dr. Basden and Mr. Brooks of the Lingfield School and Home throws further light. Dr. Basden suggests that the epileptic children should remain under the care of the education authorities until the age of nineteen instead of sixteen, and that the boards of guardians should then provide for them till the age of twenty-one, but he argues, in favour of what is really a more complete measure, that it would be of great advantage to the country to keep as many epileptics as possible permanently in colony life, on the ground that "certainly in the majority of the cases the existence of the disease is due to inherited tendency, either to epilepsy, or to some allied neurosis." And for children too, he says, that they "have found the colony system to be the ideal one." He urges that there might be a second colony or section of a colony for the children of the age of fifteen or sixteen, from which they might be "transferred to yet another colony provided for those adults who required permanent supervision." Whether child or adult the same rule applies, which he applies to the children, the rule of employment. "We have," he says, "at the Lingfield Colony been much impressed with the importance of giving the children constant employment, and providing for them as many interests as possible. Our experience is that loafing means increase of fits, whereas suitable occupation, organised play, and healthy amusements, mean diminution of fits." And as to staff he says, that "as epileptics are naturally inclined to idleness and self absorption, a considerable staff of intelligent workers is required if a large colony is to be worked on satisfactory lines, and this will be increasingly so the more carefully the children are graded."

The suggestion here is that the school system, as in the case of mental defectives, must be supplemented by a colony system for the permanent members of this class. In fact, by this argument, the present educational provision under the Act of 1899 is set aside and a new method proposed. The school is itself transferred to the colony and becomes part of it. Next, as in the case of the mentally defective, a manual and industrial education to a large extent supersedes the normal curriculum, though "the better class children might be taught as ordinary scholars with, of course, more industrial training."

The School and the Colony. Basden, Vol. II., p. 57, c. 1, and p. 58, c. 2. *Cf.* also Brooks, Vol. II., p. 62, c 1.

Basden, Vol. II., p. 57, c. 2.

Cf. Alexander, Vol. II., p. 331, c. 1.

Brooks, Vol. II., p. 64.

Brooks, Vol. II 12091.

893. Dr. Basden brings to light another question. He shows to how very small an extent is the population of children in the epileptic school permanent. In fifteen months in a school of 120 children "pretty well half have changed." A certain number have reached the age limit and have left, and a certain number have been sent away as being hopeless. "We got an exceedingly poor class of children to begin with till within the last year." Some "were practically imbeciles, practically unteachable. They have gone. They are in most cases in the workhouses in the imbecile wards. There should be a section of the colony set aside for them." Dr. Alexander, the Honorary Consultant of Maghull Home for Epileptics, says:—"These hopeless imbeciles should be separated from the others and placed in institutions where they are to be fed, clothed, kept clean, and interested as far as possible. Their removal from home is a necessity for the peace and general welfare of the families to which they belong. But elder children who are not of this type, when they leave the colony, "return in some cases to the workhouse, in others they take up a wandering life with the practical certainty of becoming vicious or criminal, and probably both." Their "colony training is thus wasted" and they become "a nuisance to society and their children keep up the supply of defectives and degenerates." And this intervention should be pushed further, it is said: "The children of the poor who are epileptics cannot be treated at home, and no serious attempt is ever made to save them from drifting into the hopeless condition of epileptic insanity." "Prejudice, ignorance and poverty of many parents render treatment at home futile. Most of them only have medical aid for a month or two, or even less

Change of population in schools. Basden, Vol. II,. 11913–11917.

11921–11924.

Alexander, Vol. II., p. 331. c. I.

McCullum, Vol. II., p. 75.

Change of population in school.—*contd.*

time than this, unless improvement is obvious ; others have no treatment at all after the first convulsion and fright is over, as they are firm in their faith that the child will grow out of the disease, whereas the fact is they grow into it."

Provision for epileptic children must include provision for "after care."

894. There is thus in the case of epileptic children, as in the case of the mentally defective, no sufficient accommodation, no link with other establishments, a congestion of children for whom little can be effected, and ultimately, after a sojourn in school, a dispersion of children under most unsatisfactory conditions. The remedy would seem to lie in an endeavour to organise assistance in view of the nature and character of the disease, considered in reference to the life of the patients as a whole. The number of epileptic children, who are otherwise "normal," appears to be small.

The case of children of school age who suffer from epilepsy in combination with other defects has been considered by us in Chapter XVIII. above.

The Commencement of Epilepsy in Relation to its Treatment.

Statistics of commencement of epilepsy. Bond, Vol. I., p. 470.

895. Several investigators have submitted to us figures showing the age at which the disease usually commences. Dr. Bond put before us statistics of 300 consecutive admissions into the Ewell Epileptic Colony—making no distinction between those with and without congenital weak-mindedness. These are his figures with, parallel to them, the corresponding statistics collected by Dr. Aldren Turner in 366 cases at the colony of Chalfont St. Giles's :—

The epilepsy showed itself before 5 years of age in 23 per cent.		
Do., between infancy and 14, in 53 per cent.	54·6	Corresponding percentages from the Chalfont Colony statistics.
Do., between 15 and 20, in 15 per cent.	17·4	
Do., between 20 and 25, in 9 per cent.	8·1	
Do., after 25 years of age, in 23 per cent.	19·7	

Bond, Vol. I., p. 470, c. 2.

Bond, Vol. I., p. 467, c. 2.

896. These figures show that 53 or 54 per cent. of the epilepsy occurs before the age of fourteen ; that the next period of strain comes with adolescence. Lastly, there is the epilepsy of later age which Dr. Bond says is due in nearly all cases over the age of thirty-five or forty directly to alcoholic excess or syphilis, or to both of these two causes.

Alexander, Vol. II., p. 331, c. 1.

897. With these statistics may be compared statistics compiled by Dr. Alexander at the Maghull Home, and by Mr. Gaskell at Chalfont Epileptic Colony. Dr. Alexander's table shows that the ages at which the disease commences is as follows :

	Cases.	
At birth or under one year - - - - - - - -	63	
During the first ten years of life, including the above sixty-three -	171	
During the second ten years of life - - - - - - -	159	= 394
During the third ten years of life - - - - - - - -	46	
During the fourth ten years of life - - - - - - - -	18	

Alexander, Vol. II., p. 331, c. 1.

These figures, though differently classified, support the conclusions which were drawn from the previous table as to the period of the incidence of the disease. In Dr. Alexander's opinion, "Nearly half of the epileptics, 171 out of 394 or 43 per cent. would require to be educated in an epileptic school. The remainder would be fairly educated before the onset of the disease." Accepting this opinion, we may conclude that about 40 to 50 per cent. of epileptic persons of the epileptic population of mixed ages, would require special schooling of one kind or another, for Dr. Alexander makes no allowance for children who might remain in the ordinary classes, even though they suffered from epilepsy.

Gaskell, Vol. II., p. 310, c. 2.

898. Mr. Gaskell's figures which are given in the following paragraph confirm the statistics we have just quoted, though, in this return again, the classification of the figures is different.

Statistics of commencement of epilepsy.—*contd.*
Gaskell, Vol. II., p. 310 c. 2.—*contd.*

"From an examination of the case-papers of 250 male and 250 female epileptics, applicants for admission to the Chalfont Colony, I find that the age at onset, stated in age periods, was as follows:—

Age at Onset.	Males.	Females.	Total.
0–5	55	54	109
6–10	30	34	64
11–15	62	74	136
16–20	51	52	103
21–25	24	12	36
26–30	12	8	20
31–35	9	7	16
36–40	4	4	8
41–45	–	3	3
46–50	1	1	2
51–55	1	1	2
56–60	–	–	–
63	1	–	1
	250	250	500

"The average age at onset was: males 15, females 13, all persons, 14."

It appears from these figures that in half of the cases the epilepsy declared itself before the age of fifteen, and that the next marked incidence of the disease is—though at a much smaller percentage—between the sixteenth and twentieth year

Duration of disease on admission to home or colony treatment.
Alexander, Vol. II., p. 331, c. 1.

899. With these statistics, we have to compare other figures which show the period of life at which patients are admitted to the regular treatment of the home or colony. Dr. Alexander noted that "in 455 cases at Maghull only twenty-three came to the Home within a year from the onset of the disease; 100 had been ill from two to six years; 115 from six to ten years; 90 from ten to fifteen years; 54 from fifteen to twenty years; 33 from twenty to twenty-five years; 22 from twenty-five to thirty years, and eighteen for thirty years and upwards."

Cf. Gaskell, Vol. II., p. 313, c. 2.

Gaskell, Vol. II., p. 314, c. 2.

Mr. Gaskell's corresponding table is as follows:—

	Males.	Females.	Both Sexes.
Average age at application	24	26	25
„ „ onset (as previously stated)	15	13	14
Average duration of disease at time of application	9	13	11

From the date of application until admission there is, generally speaking, an interval of somewhat over a year, owing to the lack of sufficient accommodation to meet the demand.

These returns, if compared with the tables, show that there is no relation between the commencement of the disease, and, so far as the Home is concerned, the commencement of specific and permanent treatment; and as Dr. Alexander says, in considering results under our present arrangements we must make allowance for "the length of time that the patients have been idle and unemployed, and during which, both mind and body have had time to become disorganised."

Alexander, Vol. II., p. 313, c. 1.

Results of colony treatment.
Bond, Vol. I., p. 469, c. 2.

900. As to the great utility of early and immediate treatment there is no marked difference of opinion. Dr. Bond says:—

"Neither the congenitally mentally deficient nor epileptics *need* become lunatics; and he has no doubt whatever that, by the adoption of more enlightened means of dealing with them when young, a considerably less number than at present would ultimately need asylum care, and thus also a certain amount of relief would be afforded to the present pressed accommodation of most asylums."

McCallum, Vol. II., p. 75, cols. 1 and 2.

And Dr. McCallum, Physician to the Starnthwaite Epileptic Colony, says:—

"Timely intervention of the State has a splendid chance of saving the epileptic from the doom awaiting him by early removal to a colony, where suitable surroundings and medical treatment will, in over 60 per cent. of all cases, check the convulsions and so cure the disease before gross irreparable damage is done to the brain."

Alexander, Vol. II, p. 331, c. 2.

And in the case of adults also very good results may be anticipated, especially if the treatment follows closely upon the manifestation of the disease. "In 1903" Dr. Alexander wrote "we found that in the case of 246 patients who had been with us for some time, twenty had ceased to have attacks for periods of from three to four years. In 185 cases the attacks were reduced considerably and in sixty-one cases the attacks had increased. . . There is no doubt that between 7 and 10 per cent. derive so much benefit from the home as to be

Results of colony treatment—*contd.* Gaskell, Vol. II., p. 314, c. 1.

considered practically cured." Mr. Gaskell submitted to us a return of 159 cases prepared by Dr. Aldren Turner on the same subject. It is as follows :—

Frequency of Fits.	Total Number of Cases.	Percentages.
Daily (one or more)	18	11·3
Weekly (one or two)	72	45·3
Monthly (one or two)	35	22·0
Quarterly (one or two)	7	4·4
Yearly (one or two)	8	5·0
In series	13	8·2
Arrested cases	6	3·8
Total	159	100·0

"When a colonist has been free from fits for two or two and a half years he is usually discharged; but the results have been somewhat disappointing, as in a number of cases there has afterwards been a relapse necessitating re-admission. On the other hand there have been a certain number of cases where patients have been taken away by their friends as cured, after an immunity of only six or nine months, but where nevertheless we have heard long afterwards that the immunity has continued. So much, of course, depends upon the circumstances in which the patient is placed after discharge from the colony. If the circumstances are likely to be unfavourable, two years immunity at the colony affords little security against recurrence; while in the contrary case a much shorter period of immunity may justify removal where the friends desire it."

Provision for children and adults in colonies desirable.

Recommendation XC.

901. We may conclude, then, that, taking into account the nature and character of the disease, treatment in a colony should be provided both for child and adult; that to meet the demands of the disease treatment subject to the necessary safeguards, should be available for patients of all ages, if proper provision is not forthcoming at the patients' homes; that the present accommodation is not only insufficient, but that it is not yet in any measure co-ordinated so as to meet the needs either of children or adults in such a way as to ensure that the treatment will follow closely on the early manifestation of the disease; and that any effectual administration for the care of epileptics must be founded on this principle.

Sane Epileptics in Prisons.

Sane Epileptics in Local Prisons.

902. Judging from the returns of our medical investigators, the number of sane epileptics in the local prisons are but few, and would make practically no difference in any count or estimate of the number of sane epileptics in the country.

Insane Epileptics in Asylums and Workhouses.

Epilepsy and Insanity.

903. Our medical investigators found in the selected areas in England and Wales 700 epileptics who were not certified, but were other than sane, in a population of 2,362,222, say three in 10,000 of the population. These were epileptics living either in institutions or among the general population.

Needham, Vol. IV., 26985.

In the county and borough asylums Dr. Needham stated that 12·4 of the lunatics suffered from epilepsy. This would indicate that among the inmates of these asylums, 89,342, there may be as many as 11,078 epileptics. But except in so far as they are not now employed upon the land and might be so employed according to the plan adopted at the Ewell Labour Colony, it does not seem that any special recommendation in regard to them is necessary.

60th Report of the Commissioners in Lunacy, p. 2.

Of the number of insane epileptics certified as insane but allowed to remain in workhouses under Sec. 24 of the Lunacy Act, we have no precise information.

The question is indeed one of minor importance, for as mentally defective persons, all these cases are already certified and would come under one general scheme of care and supervision.

Epileptics who are Idiots and Imbeciles.

Beach, Vol. I, 380, c. 1.
Crichton-Browne, Vol. I., 332, c. 1.
Dendy, Vol. I., 861.

904. In asylums for idiots it is the rule to exclude epileptic patients. Nevertheless, in three asylums seventy-eight epileptics were found. Sir James Crichton-Browne pointed out that epileptic imbeciles in affluent circumstances are freely admitted to these asylums; and the seventy-eight epileptics may belong chiefly to this class. In regard to these institutions, also, as the epileptics are also mentally defective, the question of their actual number is a matter of less importance, unless the fact that they suffer from epilepsy leads to some difference in their institutional treatment. As suggestive of a more suitable treatment of insane epileptics we describe the Colony at Ewell in a few words.

905. The London County Council have established a special colony asylum for the treatment of insane epileptics, the Ewell Epileptic Colony. It consists of 127 acres of land, of central buildings for administration, recreation, etc., and a number of detached one-storey villas and some workshops. It has accommodation for 266 men and fifty-eight women. As far as possible the inmates are employed. Most of them work on the land, but those who are unfit for that work are employed in workshops or in domestic duties. The patients are epileptics who have symptoms of insanity. They are described, many of them, as not very insane, whilst many of them, at times, show no symptoms of insanity at all. Judging both from the evidence which we have received and from our personal observation, we are satisfied that the treatment of epileptics who are subject to minor degrees of insanity is very much better in a colony asylum of this description than it is in an ordinary closed asylum. The more suitable surroundings, the greater liberty, the more wholesome work, and the separation from the more degraded of patients are all advantageous to the epileptics and tend to alleviate their misfortune. This institution is called a labour colony, but it might equally well be called an asylum built on the "villa" principle, like the asylums at Purdysburn near Belfast, at Kingseat and Bangour in Scotland, and in Holland, Germany, and America, where the treatment is similar. The cost of the land and buildings amounted to £282 per bed, and the cost of maintenance is nearly 16s. 4d. per inmate per week, which is 5s. more than the average cost of all patients in London County Council asylums, and 6s. more than the average cost of all asylum patients in county and county borough asylums. If the method of treatment in "colonies" is to receive, as we hope, a wider application, it must, it is obvious, be adopted under much more economical conditions in its future development.

The Ewell Colony for Insane Epileptics.

Bond, Vol. I., 8322, p. 468, c. 2.

Bond, Vol. I., 8312.

Bond, Vol. I., 8182.

Gaskell, Vol. II., p. 318, c. 1.

16th Report of L.C.C. Asylum Committee, for year ended 31st March, 1905, p. 201.

60th Report Commissioners in Lunacy, p. 19.

See paragraphs 702–704 below.

Voluntary Institutions.

906. In discussing the question of schemes for the combination of unions (Paragraphs 184 to 189) we have described the institutions proposed to be built by the Birmingham, Aston and King's Norton Boards both for mentally defective and for epileptic persons in receipt of poor relief. In Paragraph 881, we described the Langho Colony for Epileptics inaugurated by the Manchester and Chorlton Guardians in 1906. We have now therefore to refer to the voluntary institutions only.

Curtis, Vol. II., p. 441, c. 2.

Sayer, Vol. II., p. 452, c. 1.

907. Of these the Maghull Home for Epileptics is the oldest. It was founded in 1888. It is situated near Liverpool and has accommodation for over 200 epileptics. The cost per patient per week is 12s. 8d., or including payment for rent and mortgage 8¼d., 13s. 4¼d. There are eighty acres under cultivation. On the last year's working there was a loss of £62; but in the three previous years there had been a gain of £50, £191, £61. Six acres of the land are in kitchen and market gardens or orchard. The farm is only seven miles from the Liverpool markets and Mr. Grisewood says: "We could develop even more than we have done in the direction of market gardening. We could use more land for that purpose. Without adding to the land we could put 100 more upon it, that is, fifty males and fifty females." The general profits on the farm "seem to show that a farm colony can be carried on with a small margin of profit by utilising the labour of the patients and even making a small weekly allowance to a certain number of them. The sum of £107 allowed under that head in 1905 was equal to the wages of two healthy labourers." The Home, it is evident, has been very carefully and economically developed. It is not licensed either as a lunatic asylum, or as an idiot asylum, or as a special school for epileptics. The patients in it are divided into four classes according to the scale of payment made for them, a scale ranging from 7s. 6d. per week to £2 2s. per week and upwards. All, with eleven exceptions, are over school age. Of the 208 patients in the home, nine are reported by the medical officer to be imbecile, and seventy-seven to be weak-minded, with memories much impaired and powers of conversation limited; 122 he does not consider defective, though "some impairment of the memory and of control over actions is evident." A local medical practitioner attends the home daily; and the acting consulting medical officer, Dr. Alexander, attends weekly. Otherwise it is under the charge of a lady superintendent, who is a trained hospital nurse; and the patients are nursed and watched by a large staff of attendants, and are encouraged to do wholesome and useful work. There is about one attendant to eight patients. Of the male patients, about one-third work on the farm or in the garden, while

The Maghull Home for Epileptics.

Beach, Vol. I., p. 379, c. 1.

Alexander, Vol. II., 16091.

Grisewood, Vol. II., p. 336, c. 1, and p. 337, c. 1.

Grisewood, Vol. II., 16854, 16855.

Grisewood, Vol. II., p. 337, c. 1.

Grisewood, Vol. II., p. 335, c. 1.

Grisewood, Vol. II., p. 337, c. 2.

Alexander, Vol. II., p. 332, c. 1.

Alexander, Vol. II., p. 330, c. 1 and 2.

Grisewood, Vol. II., p. 327, c. 1.

The Maghull Home for Epileptics—*contd.*
Grisewood, Vol. II., 16815.

the remaining two-thirds are found to be unfit for any but the very lightest and simplest work. Most of the female patients are employed in domestic duties; a few are engaged in basket-making. About two thirds of the inmates attend evening classes conducted in the institution; these classes are recognised by the Board of Education as a continuation school, and the managers of the institution earn a Government grant amounting to over £60 per year. The nature of the instruction given is indicated by a report of the head teacher, which is quoted by Mr. Grisewood in evidence, and which states:—"The difficulties entailed in teaching epileptics are chiefly due to lack of self-control and of mental power. . . . In some cases we find it difficult to make the work educational. Many look bright and happy after an hour's hard work, but, when asked at the next lesson to learn something new, become at once listless and dull. Epileptics are all capable of study and useful work, provided it is not a strain on either body or mind."

Grisewood, Vol. II., p. 337, c. 2.

Grisewood, Vol. II., p. 337, c. 2.

Grisewood, Vol. II., p. 337, c. 2.

Many of the inmates in the institution are paid for by boards of guardians, and two or three are paid for by education authorities.

The Meath Home of Comfort.
Annual Report, 1905.

908. Five years after the establishment of the Maghull Colony, in 1893, Lady Meath founded a home for epileptic girls and women, which is known as the Meath Home of Comfort. The institution is situated near Godalming in Surrey, and it has subsidiary homes at Hayling Island. It has accommodation for ninety-seven patients. Patients are received from all parts of England, at payments ranging from 8s. per week for children under twelve years of age to £2 2s. per week for ladies. Boards of guardians pay for many cases. According to the last annual report as many as forty-seven boards were paying for patients. Epileptic girls and women who are likely to derive benefit from a residence in the home and are able to engage in some occupation such as needlework, beadwork, basket-making, or laundry are considered suitable for admission. Patients who are "violent, hysterical, imbecile or lunacy cases" are, under the rules, excluded. Many of the children admitted are of school age, but the institution is not certified by the Board of Education, nor does it receive any education grant. The class of case at the home is similar to that at Maghull. Most of the inmates have symptoms of mental defect, slight in some but marked in others.

The Chalfont Epileptic Colony.
Beach, Vol. I., 381, col. 1. Gaskell, Vol. II., 16491.

909. The Chalfont Epileptic Colony was founded by the National Society for the Employment of Epileptics in 1894 for the assistance of sane epileptics. It was the first colony opened in England for sane epileptics. It consists of a farm of 210 acres, nine residential houses, an administrative block and workshops. It has accommodation for 198 colonists, of whom 134 are males and sixty-four females. Among the males eleven are under sixteen years of age, among the females none are under that age. Cases for admission are carefully selected, and epileptics who have a marked mental or moral deficiency or are liable to attacks of insanity are excluded, as are also those who by reason of awkwardness, irritability or physical defect are not suited for life in the colony.

Gaskell, Vol. II., p. 312, c. 2.

Vol. IV., p. 313, c. 2.

Vol. IV., p. 312, c. 2.

There are no educational facilities in the colony; two of the houses were built as a residential certified epileptic school, but owing to the restrictions imposed by the Elementary Education (Defective and Epileptic) Children Act, 1899, limiting to fifteen the number of children to be provided for in any one building, the project was abandoned, and the houses are now used for other purposes.

Vol. IV., p. 314, c. 2.

The majority of the male colonists are employed in farm and garden work; others are employed in carpentering, plumbing, painting, brick-laying, smith's work, tailoring, boot repairing, and domestic duties. Formerly basket-making was used as an employment for men, but it has been abandoned. It was found to be too sedentary. Of the female colonists, about one-half are employed in the laundry, and the remainder in dressmaking, needlework, and housework. The labour of the inmates produces a considerable profit. The farm and garden account shows a profit of £300 and the building and works account a profit of £127, in all £427, or about £2 per inmate per year. In addition, the labour of the inmates reduces the cost of maintenance, which now stands at 10s. 8d. per patient per week. Although patients are excluded whose mental deficiency is marked, there are many who are to some extent mentally defective; this was noticed by members of the Commission, and it is supported by Mr. Gaskell's statement that "probably one-third of them would seem reasonably capable of managing their own affairs."

Vol. IV., p. 316, c. 11.

Vol. IV., p. 317, c. 2.

Gaskell, Vol. II., 16576-16577.

Gaskell, Vol. IV., p. 315, c. 1 and 2.

The houses and homes in the colony are under the charge of a lady superintendent who is a trained hospital nurse, and, as at Maghull, a local medical practitioner visits twice a week and as often as required, and there is an honorary visiting physician. The Chalfont Epileptic Colony.—*contd.*

910. The David Lewis Colony for sane epileptics was opened at Sandlebridge, near Manchester, in 1904; it was founded by the trustees of the David Lewis bequest, and provides accommodation for 200 colonists in all, but this includes the accommodation required for the certified epileptic school referred to above which is not available for the ordinary purposes of the colony. The buildings consist of a large central administrative block with the kitchen, laundry, etc., and a number of detached residential villas. The estate consists of about 115 acres, and with some workshops it provides work for the more able-bodied class of patients, a class similar to that admitted to Chalfont. In the greater number of the cases, signs of mental defect may be noticed: in some, they are well marked. The payments for patients vary from 14s. a week to 50s. Children may be admitted. This colony differs from the institutions at Maghull, Chalfont, and Meath in that it is under the superintendence of a resident medical officer. The David Lewis Colony. Report David Lewis Colony, November, 1905.

911. There is one other institution—St. Luke's Home, at Bournemouth. From the Annual Report for 1904, it would appear that it provides accommodation for twenty epileptic women and girls, members of the Church of England, who require nursing. The payment is 12s. 6d. a week. St. Luke's Home, Bournemouth.

912. Two at least of these institutions represent a type of colony or colony home which might, we think, be generally adopted in any future arrangements for the care of so-called sane epileptics. They are dependent on voluntary support and, probably, partly for that reason have been economically built and are thriftily managed; and those who support them desire that they should retain their voluntary character, while their usefulness, as they hope, will be largely extended.

The Development of Industrial Colonies for Epileptics.

913. "To my mind," Mr. Gaskell said, "it is highly important to draw a distinction between colonies such as ours"—that at Chalfont—"which are for voluntary patients, and colonies where you have to detain people. . . . I think it would spoil the colony for those who are contented and amenable, if they were mixed up with a set of people who needed compulsion and detention." But apart from this distinction, whether it be desirable to maintain it or not, there is on the part of the managers of these institutions a general wish to preserve their voluntary nature. Dr. Basden, referring to the Lingfield School and Home, said: "We are hampered in the sense that we are hampered for money. We like it being a voluntary thing, because we get people interested who are interested in it for its own sake; but we feel the need of more funds." And Mr. Gaskell said that he did not think that any of these institutions would be so well managed by public authorities as they would be by voluntary management:— Gaskell, Vol. II., 16614, 16616. Grisewood, Vol. II., 16895. Basden, Vol. II., 11946. Gaskell, Vol II., 16639, 16640.

> "There is a considerable amount of flexibility now in the management which I think you could never get with public management. The tendency is for public management to become a matter rather of hard and fast rule, and that is fatal in an epileptic colony. I think the fact that you get in the voluntary charity such a large number of people interested in it from one source and another is a great advantage, as all that tends to add to the variety of an epileptic colony. With a committee such as ours, some of the members take an interest in it from one point of view and some from another, and similarly with our subscribers and other helpers. All this variety of interests is of the greatest value. It saves us from the monotony of institutionalism, and adds immensely to the zest and variety of the lives of the colonists. With public management you would not get this kind of thing to the same extent."

So Dr. Alexander, of the Maghull Home for Epileptics says:—

> "I think the home should be always voluntary. If you have it under a public authority there is a danger of too much red tape. You require a certain amount of freedom in managing institutions of that sort. The patient cannot be brought to any distinct rule; you have to manage as well as you can." Alexander, Vol. II., 16707.

914. Yet the demand for accommodation is so great that the present homes and colonies are not able to meet it, and desire to extend. Hence suggestions for help from the State in some form, on the understanding that whether entirely voluntary, from the point of view of finance, or in some degree subsidised, Grisewood, Vol. II., p. 338, c. 1. Brooks, Vol. II., 12139 and 12140.

The development of industrial colonies for epileptics—*contd.*

the institution, should be certified and inspected. Two or three questions thus arise. One question is the difficulty of meeting any general demands from public authorities which entail extension, without some guarantee that the outlay required will be justified by the continuance of the use of the institution by these authorities. Thus Mr. Brooks, of the Epileptic Homes at Lingfield and Starnthwaite said :—

> "Our difficulties are these. We have children from the boards of education and children from the guardians just paying maintenance. I would rather charge a larger maintenance and find our own capital, sinking fund, and building, as we required, and be independent. Speaking for myself, I should not like to be trammelled by outside authorities ; I can do my work much better as I am doing it. If capital can be found by increased maintenance it would be the best way of finding it, by voluntary bodies. We have at this moment many children applying that we cannot take. That does not contradict what I said a little while ago, for there is a county asking us to take ninety, another asking us to take twenty. We cannot do with them. But if the capital outlay could be met by an increased charge for maintenance, we could continue to meet the demand so far as it is made upon Lingfield, and I would rather meet it in that way than any other. . . . Our difficulty is a guarantee. If we took from a county council say twenty children without any guarantee and then we built for those children and they withdrew them, there would be our difficulty. We say we must have maintenance, and a guarantee from someone. We cannot put up buildings and afterwards have them empty. . . . There is a desire to give a guarantee, yet they do not want to hamper their successors. There should be some method whereby they could come so that there should not be children waiting admission that cannot be taken " Vol. II., 12139. Vol. II., 12140. Vol. II., 12141.

Vol. II., 12142.

They could raise funds to meet the cost by borrowing, Mr. Brooks believed.

Assistance might be given from public funds to voluntary associations.

915. To enable voluntary associations, therefore, to extend so as to meet public needs there must be some fixity of custom, which will enable them to meet the demand without undue speculation. If the institution in its charge for weekly maintenance in the individual case included a proportional amount of all its expenditure, it would be able by degrees to repay any loan that it may have to raise ; and as its accounts would be open to official inspection, the public authority would have all the information necessary to prevent any undue expenditure being incurred and charged either to the maintenance or the establishment accounts. We think that under these conditions voluntary homes would be so sufficiently supervised as to allow of their receiving public assistance by way of loans.

916. Another question is raised by Mr. Grisewood. The managers of the Maghull Home have raised £31,048 by voluntary contributions and loans on mortgages ; and as he says in referring to the managers :—

Grisewood, Vol. II., p. 335, c. 2, and p. 336, c. 1, 16899.

> "We have come to a point where we have spent a considerable amount of capital which we have been obliged to raise either from voluntary contributions or else on mortgage of the property, and that means a certain liability upon the committee, and it is difficult to go on with the extension which we feel to be desirable. We should like to provide better for the children than they are provided for now."

Accordingly he suggests that "the capital sum required for land building and equipment might be advanced on terms that would repay the amount in say thirty to fifty years." In fact he urges that a recognised voluntary institution might, subject to the usual safeguards, receive a loan on the lines adopted in the case of loans granted to public authorities. As we have seen, the Cheshire County Council have already made a loan for the Home for the mentally defective at Sandlebridge ; and Dr. Alexander stated to us his belief that "if the buildings and laundry were founded for the institution, they could be made self-supporting ; but if the people paid who could, and if the guardians paid for those who could not pay, the institution would be self-supporting ; that," he added, "is our experience at Maghull." Mr. Gaskell took a similar line. He suggested that conditional grants might be made to voluntary institutions. He said :—

Vol. II., p. 338, c. 1.

Dendy, Vol. I., 1000.

See ante paragraph 511.

Alexander, Vol. II., 16749.

> "I think that to some extent such institutions might be aided as to the establishment cost by grants from county councils or other bodies in the event of new legislation making it the duty of the county council to provide institutions for epileptics and the feeble-minded. . . . I do not think it would be advisable that the whole should be provided from public sources, because if you once provide the whole from public sources you get a very great difficulty as to any security for the permanent carrying on of the institution under voluntary management."

Gaskell, Vol. II., 16630, 16631.

Gaskell, Vol. II. 16632-16634.

He thought that grants from the State might, in principle, be fixed on some scheme by which a proportionate amount of the total required might be raised voluntarily ; and that the colony might otherwise be supported, in part by the

payments made to it for patients who were admitted to it on the account of local authorities, and in part by voluntary contributions; but he said:— Assistance might be given from public funds to voluntary associations—*contd.*

Gaskell, Vol. II., 16635.

> "I think it is eminently desirable that voluntary associations should provide some part of the cost by subscriptions, because I do not think voluntary management would ever be really effective unless there were some financial responsibility thrown upon the management of that voluntary association. It appears to me that the burden of collecting funds is one of the conditions absolutely necessary for keeping up the efficiency of voluntary bodies."

These suggestions for the extension of voluntary institutions are, we think, worthy of serious consideration. We are very strongly of opinion that in this branch of work, official intervention should not be used in such a way as to exterminate or even to weaken voluntary effort. On the contrary, we think that in the interest both of economy and of efficiency voluntary effort should be turned to the utmost account by the Board of Control and by the Committees for the care of the mentally defective under the safeguards that we have proposed. Recommendations XLII., XC.

917. To sum up; the accommodation for sane or uncertified epileptics is altogether insufficient; all our witnesses on that point are unanimous. There are, it is estimated, 30,000 epileptics in England and Wales "many of whom must be sane epileptics," but whether this be so or not, and whether many of these are, or are not, mentally defective in some degree, as well as epileptic, the accommodation now available is obviously insufficient. Apart from the workhouses and the institutions established for the Chorlton and Manchester Guardians, and the Birmingham, Aston and Kings Norton Guardians, it provides for about 951 persons, adults and children. Existing accommodation for sane epileptics insufficient.

Beach, Vol. I., p. 379, c. 2.

Paragraphs 883, 907–911.

918. Almost all our witnesses are agreed that the further provision that is necessary should take the form of farm and employment colonies like the Chalfont and the David Lewis Colonies. There is some difference of opinion in regard to the extent to which a colony which is used in part for mentally defective epileptics should be used for sane epileptics also. As we have seen, many who are classed as sane epileptics are but little removed from the mentally defective, so that probably during their life as workers and patients they may have to be transferred from one colony or institution to another as the epilepsy passes into mental defect and eventually becomes the lesser malady. Yet it would seem best at the outset, and as long as is desirable, that the sane epileptics should be either in a separate industrial colony or in a separate section of such a colony. The same colony, provided there is sufficient space and suitable organisation, might serve, we think, both for children and for adults. The evidence which we have received on all sides in favour of the treatment of sane epileptics in an industrial colony we accept as decisive. The industrial colony and sane epileptics.

Coward, Vol. II., p. 92, c. 1 and 2.
McCallum, Vol. II., 12196, p. 75, c. 1 and 2.
Ferrier, Vol. I., 6889.
Rhodes, Vol. I., p. 551, c. 2.
Leisching, Vol. II., 19601.
Bevan Lewis, Vol. II., p. 16, c. 1 and 2.
Helby, Vol. I., 5264–5266.

Raw, Vol. II., p. 399, c. 2, and 18029.
Jackson, Vol. II. p. 414, c. 2.
Beach, Vol. I., p. 379, c. 2.

Some Miscellaneous Questions and Conclusions.

919. There remain for our consideration the opinions of witnesses on three or four important questions of administration. One is that, as children, unless they are seriously affected, sane epileptics should be taught in the ordinary classes with other children. Another is that teaching and training at an early age in an industrial colony is the best method of staying the disease of epilepsy, and, as far as it may be, of curing it, and hence the sane epileptics should at an early age be admitted to a colony. Another is that marriage with an epileptic is usually bad for the offspring. And lastly, epilepsy, it is said, is so closely allied to mental defect that any public organisation that deals with the one must take cognizance of the other.

Coward, Vol. II., p. 92, c. 1.
Kerr, Vol. I., 7991.
Macdonald, Vol. II., 19527–19530.
Basden, Vol. II., p. 57, c. 1.
Brooks, Vol. II., p. 62, c. 1 and 2.

Bond, Vol. I., p. 465, c. 1 and 2.

Bond, Vol. I, p. 470, c. 2.

920. In regard to the two opinions first mentioned, the evidence would seem to show that, in the case of children, very good results follow from life and treatment in a colony. But we have received no evidence on the question whether in families which are not in affluent circumstances there may not be equally good results, if the child is carefully trained, bodily, as well as mentally, at home and at school. Where this training is not forthcoming the malady, it appears, grows rapidly worse. As a matter of fact, it is stated that "the children of the poor cannot be treated at home, and no serious attempt is ever made to save them from drifting into the hopeless condition of epileptic insanity. . . Removal to a colony, where there are suitable Education and care of sane epileptic children.

McCallum, Vol. II., p. 75, c. 1 and 2.

Education and care of sane epileptic children—*contd.*
Beach, Vol. I., p. 381, c. 2.

surroundings and medical treatment will, in over 60 per cent. of all cases, check the convulsions, and so cure the disease before gross irreparable damage is done to the brain." " Experience has shown," Dr. Beach says, " that young epileptic cases are those in which the best results are gained by the colony system of treatment. The children learn to muster up and exercise their distracted faculties, to master themselves, to be punctual and obedient, and above all things—a matter in which the epileptic is often wanting—to find pleasure in regular activity, and to regain the confidence which he has often lost in his own power of performance " ; the " fits are fewer " and " with proper training and a sufficient staff of teachers, great progress is made mentally and physically." This is the experience of the Institution for epileptics at Zurich ; it is equally the experience at Chalfont—in the case of twenty-four boys who were admitted to it at fourteen years of age. Our conclusion is that it would be better in cases in which the epilepsy is likely to be permanently checked or remedied, if a colony were made the place of education and employment alike. This would imply that not merely children suffering from serious epilepsy would be admitted to the colonies but others also, if it were to their benefit. If, however, it were considered best that a child should remain in the ordinary school, as some prefer, there would be nothing to prevent it. We would urge only that the physical condition of these children should be considered from time to time, so that further measures may be taken for their care, if they are necessary.

See Paragraph 871 above.

921. According to the estimate which has been submitted to us there are probably 1,000 epileptic children for whom provision would have to be made on the ground of the severity of the disease, but some of these children it seems probable would also have a claim upon the community on the ground of mental defect.

Epileptics and marriage.
Bond, Vol. I., p. 465, c. 1.

922. As to the third point : in favour of the segregated life for epileptics Dr. Bond's evidence may be quoted :—" An epileptic family history is to be regarded as especially dangerous. In the case of a parent who is an epileptic, the disease may be regarded as practically always present, and, moreover, in the vast majority of cases will have developed either early in life, or at least prior to the birth of the next generation." . . . . " In a series of 300 epileptics certified as insane (excluding the congenital cases, only one of whom was married), of those in whom the epilepsy developed *before* the age of fourteen no less than 20 per cent. had become subsequently married."

Bond, Vol. I., p. 465, c. 2.

Notification of sane epileptics not suggested.

923. But we do not propose that cases of sane epilepsy should be notified. In the course of the medical inspection of schools, epileptics no doubt will come to light, and they should then be considered by the committees for the care of the mentally defective, with a view to their being treated as sane epileptics, if they are free from mental defect and require care and treatment, or as mentally defective, if they combine mental defect with epilepsy. For their future welfare the register of their cases while they are at school should prove very valuable. Sane epileptics, strictly so-called, would not be certifiable, though they might become resident in a colony for epileptics generally.

Recommendations as to epileptics.
Bond, Vol. I., p. 470 c. 2.
Tredgold, Vol. I., p. 398, c. 1, and p. 400, c. 2.

924. As regards the present provision for epileptics it may be stated that large numbers of them are dealt with in lunatic asylums, large numbers in workhouses in surroundings which are generally described as ill-adapted for their requirements, a small number in certified epileptic schools, a small number in idiot asylums, and a certain number, not very large, in philanthropic institutions. Some of them are relieved by county councils as lunacy authorities, some by guardians as " lunacy authorities," some by boards of guardians as Poor Law authorities, others by county councils as education authorities, others by guardians as " education authorities," and others by philanthropy. Some are in institutions inspected by the Board of Education, others in institutions inspected by the Lunacy Commission, others in institutions inspected by the Local Government Board, and others in institutions not subject to any Government inspection. In respect of some, Treasury money is paid on account of their lunacy, of others, on account of their education, and in respect of others, no Treasury grant is paid. As a

rule mental defect of a more or less marked degree is found to accompany epilepsy; and sane epilepsy is the exception. The relation between epilepsy and mental defect is so close that it is not possible to make provision for sane epilepsy separately and under a separate authority. We propose, therefore, that the Board of Control and the committees for the care of the mentally defective should provide for all cases of epilepsy—so far as it may be necessary.

Recommendations as to Epileptics—*contd.*

925. All cases of epilepsy combined with mental defect come under the recommendations which we have made for the care of the mentally defective. As to epileptics not provided for as mentally defective, we recommend that the Board of Control be empowered to register, inspect and report on all institutions or houses for the care of epileptics not provided for as mentally defective, and to regulate the same if they form part of an institution for the mentally defective, and that the committees be authorised to consider and deal with the cases of these epileptics and to provide for their accommodation, maintenance, care, treatment, education, training and control, and with regard to these epileptics shall have the powers referred to in Recommendations XXXII.-XXXIV. (inclusive), XXXVII.-XL. (inclusive), XLIV., XLVI. and XLVII., XLIX.-LI. (inclusive), and in Recommendations from LXXV.-LXXXVI. (inclusive), so far as may be necessary. In addition to these powers our general Recommendations as to the mentally defective are in the following instances specifically applied to the cases of epileptics not mentally defective, viz., Preamble (1), Recommendations XLI., XLII., LXXIII., XC., XCII., XCIII., and XCVI.

Recommendation XC.

RECOMMENDATIONS AS TO ENGLAND AND WALES.

PART XI.

CHAPTER XLIII.

PREAMBLE.

It has appeared to the Commissioners desirable that this short preamble should be prefixed to their Recommendations. The following are points which should be borne in mind in reference to the Recommendations as a whole:—

(1) It is not intended that the maintenance at public expense of the mentally defective, or of epileptics not mentally defective, should be extended to those who either at their own cost or at that of their relatives or friends can be otherwise suitably and sufficiently provided for.

(2) It is not intended to interfere in any way with the authority or powers of the Secretary of State for the Home Department as laid down in the Lunacy Act of 1890, though the procedure in regard to plans is somewhat altered under Recommendation XLIV.

(3) With the reservations mentioned below, the powers of the Lord Chancellor, whether under the prerogative or under the Lunacy Act of 1890, remain intact. The exceptions recommended are as follows:—

(i) The jurisdiction of the Judge and Masters in Lunacy is proposed to be transferred to the Chancery Division.

(ii) The duties of the Lord Chancellor's Visitors will be undertaken by the members of the proposed Board.

(4) It is understood that all the existing powers of the Lord Chancellor or the Secretary of State, whether by virtue of the prerogative or under Statute, relating to Lunatics, with the reservations mentioned above, are preserved and extended to all classes of mentally defective persons as defined in Recommendation IV.

(5) The words "Institution" or "Home" are used in these Recommendations in the widest sense to include all establishments in which mentally defective persons are maintained wholly or in part at the expense of the rates or taxes, or at the charges of charitable endowments or voluntary contributions, and not for private profit.

(6) A "House" in these Recommendations means a place in which two or more mentally defective persons are maintained for private profit.

(7) The three methods of oversight, certification, and detention are recommended as available for the mentally defective; they will be applied subject to statutory safeguards and at the advised discrêtion of a responsible Committee. According to the different classes, for some oversight will suffice, for others certification, and for others certification with an order for detention. The aim of the scheme is the application of particular methods suitable for the cases of different persons, not the general adoption of any one method exclusively. We have described these methods in our Report.

See paragraphs 372, 683–754, 763.

A.—THE CENTRAL AUTHORITY.

(Recommendations I. to XXVII.)

RECOMMENDATION I.

See paragraphs 190–192 597, 634–644, 765–808, above.

That there be one central authority for the general protection and supervision of mentally defective persons and for the regulation of the provision made for their accommodation and maintenance, care, treatment, education, training and control.

The single central authority.

RECOMMENDATION II.

See paragraphs 472–5, 528.

That, consistently with the above Recommendation and in view of the alterations in administration and procedure suggested below, the Lunacy Acts, 1890 and 1891, and the Idiots Act, 1886, be remodelled and that such of the provisions of these Acts as are consistent with the scheme suggested in these Recommendations, together with such new statutory provisions as may be required for bringing the complete scheme into operation, should be embodied in an Act for the care and control of the mentally defective.

Act for the care and control of the mentally defective.

RECOMMENDATION III.

See paragraph 530, and Chapter XXVIII.

That the statutory use of the word "lunatic" be discontinued, that the term "Hospital" be substituted for the word "Asylum," and that the term "mentally defective" be defined in the proposed Act for the care and control of the mentally defective as comprising the classes of mentally defective persons set out in Recommendation IV.

Changes in nomenclature and definition of "mentally defective."

RECOMMENDATION IV.

See Chapter XXVIII., and paragraphs 563 and 596.

That there be placed under the general protection and supervision of the central authority:

Classes of persons supervised by the central authority.

(1) "Persons of unsound mind," *i.e.*, persons who require care and control owing to disorder of the mind and are consequently incapable of managing themselves or their affairs, and are not included in classes (2), (3), (4), (5), (6), (7), (8), and (9), below.

NOTE.—The term "unsound mind" under this Recommendation might be said to stand as generally equivalent to the word lunatic.

NOTE.—Persons are detained at present as persons of unsound mind either in consequence of an inquisition (see Lunacy Act, 1890, Sec. 90, set out in note to Recommendation VIII.); or in ordinary cases (*i.e.* cases not under inquisition)—

(i.) Under an urgency order usually made by a relative on the certificate of one medical man, which is temporary only, or

(ii.) Under a reception order obtained on petition to a judicial authority, or

(iii.) Under a summary reception order made by a magistrate where the lunatic is wandering, a pauper, or neglected, or

(iv.) Under an order made by the Commissioners in Lunacy, or

(v.) Under an order made under the Criminal Lunatics Acts, or

(vi.) Under an order made under the Idiots Act.

The Statutory provisions governing (i.) to (iv.) above are under the Lunacy Act, 1890, Sec. 11 (see Recommendation LXXI.), Secs. 4 to 10 (see Recommendation LXVIII.), Secs. 13 to 27 (see Recommendation LXXI.). Those governing (vi.) are under the Idiots Act (see Recommendations LII.). Those governing (v.) are under the Criminal Lunatics Acts, viz.:

Criminal Lunatics Act, 1800, Sec. 2.

Lunatics Removal (India) Act, 1851, Secs. 1 and 2.

Trial of Lunatics Act, 1883, Sec. 2.

Criminal Lunatics Act, 1884, Sec. 2.

For practical purposes criminal lunatics may be divided into (a) King's Pleasure Lunatics and (b) Secretary of State's Lunatics. Both classes are in custody by virtue of an order of a court of law and cannot be discharged without a warrant signed by the Secretary of State.

(2) "Persons mentally infirm," *i.e.*, persons who, through mental infirmity, arising from age or from the decay of their faculties, are incapable of managing themselves or their affairs.

(3) "Idiots," *i.e.*, persons so deeply defective in mind from birth or from an early age that they are unable to guard themselves from common physical dangers, such as, in the case of young children, would prevent their parents from leaving them alone.

NOTE.—This definition was suggested in evidence before us by the Royal College of Physicians of London.

(4) "Imbeciles," *i.e.*, persons who are capable of guarding themselves against common physical dangers, but who are incapable of earning their own living by reason of mental defect existing from birth or from an early age.

NOTE.—This definition was suggested in evidence in the form before us by the Royal College of Physicians of London.

(5) "Feeble-minded," *i.e.*, persons who may be capable of earning a living under favourable circumstances, but are incapable from mental defect existing from birth or from an early age (a): of competing on equal terms with their normal fellows; or (b) of managing themselves and their affairs with ordinary prudence.

NOTE.—This definition is, with slight verbal alterations, in the form suggested in evidence by the Royal College of Physicians of London to us, assuming as we do that the "prodigal" and the "facile" are included within the term.

(6) "Moral Imbeciles," *i.e.*, persons who from an early age display some mental defect coupled with strong vicious or criminal propensities on which punishment has little or no deterrent effect.

NOTE.—This definition is as recommended by the Royal College of Physicians, with the deletion of the words in brackets and the substitution in their place of the words "some mental defect coupled with:"—"a person who displays from an early age [*and in spite of careful up-bringing*] strong vicious or criminal propensities on which punishment has little or no deterrent effect."

See Part. X. above.

(7) "Epileptics," *i.e.*, persons who, being epileptics, are also mentally defective.

See Chapter XXI. above.

(8) "Inebriates," *i.e.*, persons who, being inebriates, are also mentally defective.

See Chapter XVIII. above.

(9) "Deaf and Dumb" or "Blind," *i.e.*, persons who, being deaf and dumb or blind, are also mentally defective.

RECOMMENDATION V.

See paragraphs 806–807.

That the central authority, which would deal with the whole class of mentally defective persons and the divisions of that class, be called "The Board of Control," and the members thereof be called Commissioners of the Board of Control.

Title of the central authority.

RECOMMENDATION VI.

See paragraphs 808–810.

That there be appointed to the post of Commissioner, according to the demands of the business of the Board of Control, persons who are specially qualified for that post, subject to these qualifications, (1) that a certain proportion of the number be qualified medical men who have expert knowledge in regard to the various classes of mental defect mentioned in Recommendation IV., and respecting institutional and other administration; (2) that a certain proportion of the number be legal members, being barristers-at-law qualified to deal with particular cases and points of law, including such questions as may arise out of the new conditions which the plan proposed by us must necessarily entail; (3) that the number of Commissioners be sufficiently large to dispense with the necessity of appointing deputy Commissioners in case of temporary absence through illness or other cause; (4) that the Commissioners be appointed at such salaries as with the concurrence of the Treasury may seem reasonable in view of the scale of salaries generally paid in Government departments; (5) that a paid Chairman be appointed on similar terms, due regard being had to the responsibilities of his office; (6) that Sections 158 (1) and the first paragraph of Section 165 of the Lunacy Act of 1890 be repealed provided that it be made a rule of the Board that no Commissioner should be deputed to visit a licensed place with which he has been connected within one year last preceding his appointment.

Constitution of the central authority.

NOTE.—The sections—158 and 165 of the Lunacy Act—which are referred to above, are as follows; the parts proposed to be repealed being printed in *italics* and in [—].

158.—[(1.) *A person shall not be qualified to be a Commissioner or secretary or clerk of the Commissioners if he is, or within one year prior to his appointment has been, interested in a licensed house.*]

(2) If any Commissioner or the secretary or any clerk of the Commissioners becomes interested in a licensed house, he shall be disqualified to hold his office.

(3) Any disqualified person continuing to act shall be guilty of a misdemeanor.

165.—[*A person shall not be appointed a Chancery Visitor if he is or has been within the two years preceding his appointment directly or indirectly interested in any licensed house;*] and if any person after his appointment becomes so interested, his appointment shall become void, and thereupon his salary shall cease.

RECOMMENDATION VII.

Transfer of the jurisdiction of the Judge and Masters in Lunacy to the Chancery Division.

That, subject to Recommendations VIII. and IX. below, the Lunacy Jurisdiction now exercised by the Judge and Masters in Lunacy be transferred to the Chancery Division of the High Court, and the jurisdiction of the Masters, as separate officials, be abolished.

See paragraphs 789–804.

NOTE.—The jurisdiction which the Sovereign as *Parens Patriæ* exercises over insane persons is part of the Royal prerogative. Such jurisdiction was originally exercised by the Crown in its Court of Exchequer. It next passed to the Lord Chancellor; then to the Court of Wards; and on the abolition of that Court back again to the Lord Chancellor (*Pope on Lunacy*, 2nd Ed., p. 28). It is, moreover, either (1) Original or (2) Appellate. The original jurisdiction has again in practice been severed in modern times into (a) Judicial and (b) Ministerial. The *Judicial* portion of the original jurisdiction has ever since 1851 been possessed by the Lords Justices, each one of whom is usually entrusted with it by Royal Sign Manual. But so much of it as relates to holding of inquisitions is usually exercised under the direction of the Lords Justices by the Masters in Lunacy (Lunacy Act, 1890, Secs. 111–114), and by such other persons as may be specially appointed (see *ibid*, Sec. 113), but may be exercised by means of an issue directed to be tried in the High Court of Justice (see *ibid*, Secs. 94 and 334). The *Ministerial* portion of the Sovereign's jurisdiction over insane persons has of modern years, and ever since its first establishment, been exercised by the Lunacy Office, of which Office the Masters in Lunacy are the head.

The Sections of the Lunacy Act referred to above are reprinted below :—

Jurisdiction of judge in Lunacy.

108.—(1.) The jurisdiction of the Judge in Lunacy under this Act shall be exercised either by the Lord Chancellor for the time being entrusted by the Sign Manual of Her Majesty with the care and commitment of the custody of the persons and estates of lunatics, acting alone or jointly with any one or more of such Judges of the Supreme Court as may for the time being be entrusted as aforesaid, or by any one or more of such Judges as aforesaid.

(2.) The Judge in Lunacy may make orders for the custody of lunatics so found by inquisition and the management of their estates, and every such order shall take effect as to the custody of the person immediately, and as to the custody of the estate upon the Master's certificate of completion of the committee's security.

(3.) Where upon the inquisition it is specially found or certified that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangerous to himself or to others, the Judge in Lunacy may make such orders as he thinks fit for the commitment of the estate of the lunatic and its management, including all proper provisions for the maintenance of the lunatic, but it shall not be necessary, unless in the discretion of the judge it appears proper to do so, to make any order as to the custody or commitment of the person of the lunatic.

(4.) Any order under this section may be made notwithstanding proceedings are pending for a traverse or new trial, and any person acting upon an order so made shall be indemnified as effectually as if there had been no right of traverse or new trial.

Masters in Lunacy.

111.—(1.) There shall continue to be Masters in Lunacy as heretofore, and they shall, subject to the provisions of this Act and the Rules in Lunacy, execute and perform the same powers and duties as heretofore, and shall perform such other duties for the benefit of lunatics and their estates as the Lord Chancellor may direct.

(2.) The powers and authorities of the Masters shall be joint and several, and they shall execute commissions and conduct inquiries connected with lunatics or their estates, and perform all other duties committed to them, either separately or together, and at such places, within such times, and in such manner as the Rules in Lunacy, and, subject thereto, as the Judge in Lunacy may by any special order direct.

(3.) A Master must be a barrister of not less than ten years standing, and shall be appointed by the Lord Chancellor.

(4.) A Master shall, before being capable of acting, make before the Lord Chancellor, in the manner now used, the declaration to be made by a Master set forth in the First Schedule.

(5.) The Masters shall have such clerks and officers as the Lord Chancellor may, with the concurrence of the Treasury as to number and salaries, determine.

(6.) The salaries of the Masters, their clerks and officers, and their expenses to the amount sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.

Commission of Inquiry.

112. A general commission of inquiry, with such variations as may be expedient, may from time to time be issued in duplicate under the Great Seal, directed to the Masters by name, jointly and severally, who shall by virtue thereof proceed, in each case of alleged lunacy concerning which the Judge in Lunacy orders them to inquire, in like manner and with all the like powers and authorities (subject to the provisions in this Act contained) as heretofore.

Special Commission may issue.

113. The Lord Chancellor may issue a commission specially to any person or persons alone or in addition to the Masters, or one of them, if upon any occasion he thinks it proper to do so; and the provisions of this Act so far as applicable shall extend to every commission so issued specially.

Power to summon witnesses.

114. The Masters may administer any oath and take any affidavit and may summon any person to give evidence before them, and every person so summoned shall be bound to attend as required by the summons.

Inquiries before a jury may be made by means of an issue in the High Court.

94.—(1.) Wherever the Judge in Lunacy orders an inquisition before a jury, he may by his order direct his issue to be tried in the High Court, and the question in such issue shall be, whether the alleged lunatic is of unsound mind and incapable of managing himself or his affairs; and the provisions of this Act with respect to commissions of lunacy, and orders for inquisition to be tried by a jury, and the trial thereof, and the constitution of the jury, shall apply to any issue to be directed as aforesaid, and the trial thereof, and subject thereto and to the provisions of this Act, such issue and the trial thereof shall be regulated by the Rules of the Supreme Court for the time being in force relating to the trial of issues of fact by a jury, and the verdict upon any such issue finding the alleged lunatic to be of unsound mind and incapable of managing himself or his affairs shall have the same effect as an inquisition under this Act.

(2.) On the trial of every such issue the alleged lunatic shall, if he is within the jurisidiction, be examined before the evidence is taken, and at the close of the proceedings, before the jury consult as to their verdict, unless the Judge who tries the issue otherwise directs; and such examinations shall take place either in open court or in private as such Judge directs.

Meaning of word commission in other Acts extended.

334. Where in any Act of Parliament, order or rule of court, or instrument, reference is made to a commission of lunacy, or the inquisition thereon, the general commission and the inquisition, or certificate operating as an inquisition, and the issue and verdict thereon respectively in this Act mentioned, shall be deemed to be included in the reference.

RECOMMENDATION VIII.

See paragraphs 781–804.

Ascertainment of mental defect by legal commissioner.

That where an issue is not directed in the High Court or a jury is not demanded or thought necessary, the inquiry in regard to the question whether or not a person who has property is suffering from mental defect as defined in Recommendation IV. above, and is incapable of the responsible control of himself and his affairs, be entrusted, under rules to be framed by the Rules Committee of the Supreme Court, to any one of the legal Commissioners, members of the proposed Board of Control (see Recommendation VI. above) who if necessary, shall be assisted by a medical Commissioner of the Board as assessor, and who shall have for the purposes of such inquiry and in relation thereto the same duties, jurisdiction, and powers as the Masters in Lunacy, and the practice and procedure of whose court shall be the same as that of the Masters in Lunacy.

NOTE.—Under the scheme the judge would direct the inquisition in ordinary cases before one of the legal Commissioners, but if a jury were demanded, or thought necessary, the issue would be tried in the High Court (*see* Sec. 94 of the Lunacy Act, 1890). At present the inquisition is as to whether the person is "of unsound mind and incapable of managing himself and his affairs" (*see ibid.*, Sec. 90 (1)), but it may be found that the person is "of unsound mind so as to be incapable of managing his affairs but that he is capable of managing himself, and is not dangerous to himself or others" (*see* Sec. 98 (2)). Under the recommendation it is proposed to extend the inquiry so as to include the other classes of mentally defective persons defined in Recommendation IV. The Sections of the Lunacy Act, 1890, bearing on these inquiries are reprinted below :—

Order for inquisition as to lunacy.

90.—(1.) The Judge in Lunacy may upon application by order direct an inquisition whether a person is of unsound mind and incapable of managing himself and his affairs.

(2.) Where the alleged lunatic is within the jurisdiction, he shall have notice of the application and shall be entitled to demand an inquiry before a jury.

(3.) Upon the hearing of the application, the alleged lunatic may withdraw any demand for a jury made by him.

Demand of a jury by alleged lunatic.

91. Where the alleged lunatic demands a jury, the Judge in Lunacy shall in his order for inquisition direct the return of a jury, unless he is satisfied, by personal examination of the alleged lunatic, that he is not mentally competent to form and express a wish for an inquisition before a jury; and the Judge may, where he deems it necessary, and for the purpose of personal examination, require the alleged lunatic to attend him at such convenient time and place as he may appoint.

Cases where a jury may be dispensed with.

92. Where the alleged lunatic does not demand a jury, or the Judge in Lunacy is satisfied by a personal examination that he is not mentally competent to form and express a wish in that behalf, and it appears to the Judge, upon consideration of the evidence, and of the circumstances of the case, to be unnecessary or inexpedient that the inquisition should be before a jury, and he accordingly does not in his order for inquisition direct the return of a jury, then the Masters shall, without a jury, personally examine the alleged lunatic, and take such evidence, upon oath or otherwise, and call for such information as they think fit or the Judge directs, in order to ascertain whether or not the alleged lunatic is of unsound mind, and shall certify their finding thereon.

Jury to be had, if Masters certify that it is expedient.

93. Where the Judge in Lunacy does not in his order for inquisition direct the return of a jury, but the Masters, upon consideration of the evidence, certify that in their opinion an inquisition before a jury is expedient, they shall, without further order, issue their precept to the sheriff, and shall proceed in like manner in all respects, and their proceedings shall be as valid and effectual as if the Judge had directed the return of a jury in the first instance.

Inquiries before a jury may be made by means of an issue in the High Court.

94.—(1.) Wherever the Judge in Lunacy orders an inquisition before a jury, he may by his order direct an issue to be tried in the High Court, and the question in such issue shall be, whether the alleged lunatic is of unsound mind and incapable of managing himself or his affairs; and the provisions of this Act with respect to commissions of lunacy, and orders for inquisition to be tried by a jury, and the trial thereof, and the constitution of the jury, shall apply to any issue to be directed as aforesaid, and the trial thereof, and subject thereto and to the provisions of this Act such issue and the trial thereof shall be regulated by the Rules of the Supreme Court for the time being in force relating to the trial of issues of fact by a jury, and the verdict upon any such issue finding the alleged lunatic to be of unsound mind and incapable of managing himself or his affairs shall have the same effect as an inquisition under this Act.

(2.) On the trial of every such issue the alleged lunatic shall, if he is within the jurisdiction, be examined before the evidence is taken, and at the close of the proceedings, before the jury consult as to their verdict, unless the Judge who tries the issue otherwise directs; and such examinations shall take place either in open court or in private as such Judge directs.

Certificate of Masters without a jury to have the force and effect of an inquisition.

95. Where the Masters certify that the alleged lunatic is of unsound mind, and incapable of managing himself or his affairs, or that he is of sound mind, and capable of managing his affairs, the certificate shall have the same effect as an inquisition taken upon the oath of a jury.

96. Where the alleged lunatic is not within the jurisdiction it shall not be necessary to give him notice of the application for inquisition, and the inquisition shall be before a jury.

Jury to be had if lunatic out of jurisdiction.

97. The Lord Chancellor may, by order, regulate the number of jurors to be sworn, but so that every inquisition upon the oath of a jury be found by the oaths of twelve men, at least.

Number of jury. Nature and limit of inquisitions.

98.—(1.) The inquisition shall be confined to the question whether or not the alleged lunatic is at the time of the inquisition of unsound mind, and incapable of managing himself or his affairs, and no evidence as to anything done or said by him, or as to his demeanour or state of mind at any time, being more than two years before the time of the inquisition, shall be receiveable in proof of insanity, or on the trial of any traverse of an inquisition, unless the person executing the inquisition otherwise directs.

(2.) If upon such inquisition it appears that the alleged lunatic is of unsound mind, so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangerous to himself or to others, it may be so specially found and certified.

Power of person executing inquiry.

99. The person executing an inquisition with a jury shall, while so employed, have all the powers, authorities, and discretion of a Judge of the High Court.

Inquisition may be ordered on report of Commissioners.

100. Where the Commissioners report to the Lord Chancellor that they are of opinion that the property of any person detained or taken charge of as a lunatic, but not so found by inquisition, is not duly protected or that the income thereof is not duly applied for his benefit, or to the same effect, the report shall be filed with the Masters, and shall be deemed to be an application for inquisition supported by evidence, and the alleged lunatic shall have notice of the report from such person as the Judge in Lunacy directs, and the case shall proceed and be conducted as nearly as may be in all respects as is hereinbefore directed upon an application for inquisition.

RECOMMENDATION IX.

Management and administration of property of mentally defective persons.

That on the ascertainment of mental defect by a legal Commissioner of the Board of Control, or on an issue directed in the High Court, the management and administration of the property of the person affected be entrusted to the Chancery Division of the High Court of Justice.

See paragraphs 789–804.

RECOMMENDATION X.

Provisions of Lunacy Act 1890 as to management and administration of estates applied to all mentally defective persons.

That the powers and provisions of the Lunacy Act, 1890, relating to management and administration, shall apply to all mentally defective persons as defined in Recommendation IV.

See paragraphs 755–764.

RECOMMENDATION XI.

Registration and visitation of cases.

That all cases of mentally defective persons dealt with under any of these Recommendations be registered at the office of the Board of Control; that the work of the Board be so arranged as to allow of the frequent personal visitation of mentally defective persons, and that this visitation consist of not less than two visits a year paid to each such person, unless, in view of the circumstances of particular cases or classes of cases, the Board determines that in regard to them this frequent visitation is unnecessary.

See paragraphs 584, 660–662.

NOTE.—*Visitation of persons of unsound mind.* Persons certified as lunatics at present are under visitation by the Lunacy Commission (Sec. 194, Lunacy Act, 1890). Persons found lunatic by inquisition are visited by the Lord Chancellor's Visitors. *All* patients in hospitals and licensed houses are, however, visited at present by the Lunacy Commissioners. Lunatics found by inquisition in such institutions are also visited by the Chancery Visitors, at considerable expense. Under the scheme, the visitation of all mentally defective persons would be by the Board of Control only, the Chancery Visitors as such ceasing to exist, special directions being given, where required, as to more frequent visitation in case of propertied lunatics under the care of the Chancery Division.

RECOMMENDATION XII.

Mentally defective persons, including single patients, in private families and charitable establishments.

That the provisions of the Lunacy Act, 1890, Section 206, be applicable to all persons who are mentally defective or alleged to be mentally defective, including single patients.

See paragraphs 649, 668, 713–714.

NOTE.—The Section of the Lunacy Act referred to above is reprinted below.

206.—(1.) If it comes to the knowledge of the Commissioners that any person appears to be without an order and certificates detained or treated as a lunatic or alleged lunatic by any person receiving no payment for the charge, or in any charitable, religious, or other establishment (not being an institution for lunatics), they may require the person by whom the patient is detained, or the superintendent or principal officer of the establishment, to send to them, within, or at such time or times as the Commissioners may appoint, a report or periodical reports by a medical practitioner of the mental and bodily condition of the patient, with all such other particulars as to him and his property as they think fit.

(2.) Any one or more of the Commissioners may at any time visit any such patient and report the result of the visit to the Commissioners, and may exercise, with respect to such patient, all the powers (except that of discharge) given to them as to persons confined in any institution for lunatics, or as single patients.

(3.) The Commissioners may, if they think fit, transmit any reports received by them, or may report the results of any inquiries made by them under this section, to the Lord Chancellor, who may thereupon make an order for the discharge of the patient from the custody in which he is detained or for his removal to an institution for lunatics, or to such other custody as he may think fit, and the expenses properly incurred of carrying any such order into effect and of maintaining the patient if so removed shall, if the order so directs, be paid by the guardians of the union in which the patient was found, until the authority legally liable for his maintenance has been ascertained; and such guardians shall have the same right to recover any such expenses paid by them against the lunatic and his estate, and the person or authority legally liable for his maintenance as in the case of orders for maintenance under this Act.

(4.) Where an order is made by the Lord Chancellor under this section for removal of a lunatic to an asylum, any justice of the county or borough in which the asylum is may exercise all the authorities conferred upon a justice by this Act, for the purpose of making the lunatic's property applicable to his maintenance and for maintaining him as a pauper.

(5.) All reports and particulars sent to the Commissioners under this section shall be kept by them, and shall be open to inspection only by the Commissioners and the Lord Chancellor, and by such persons as the Lord Chancellor directs.

RECOMMENDATION XIII.

See paragraphs 645-662.

Registration, supervision and inspection of institutions or houses.

That the Board of Control undertake the registration, supervision and inspection of all institutions or houses (as defined in the Preamble) in which mentally defective persons are maintained, and of all arrangements made for their care, and visit all such institutions or houses at least twice a year.

NOTE.—The visitation of workhouses in which there are or are alleged to be any "lunatics" is at present carried out by the Commissioners once a year in the Metropolitan district asylums and workhouses having special lunatic wards, but in the smaller workhouses having no separate accommodation, and where the imbeciles are distributed amongst the ordinary paupers, the inmates are only visited once in three years, unless the Commissioners have special reasons for going more frequently. Under the suggested scheme all institutions in which mentally defective persons are maintained must be registered and inspected by the Board of Control. Any "persons of unsound mind" hereafter in workhouses would be there only by arrangement made between the Committee for the care of the mentally defective and the guardians, and the Committee would only make such arrangements where suitable separate accommodation was available, and cases so provided for would be visited and inspected by the Committee and by the Board in the same manner as other persons of unsound mind.

RECOMMENDATION XIV.

See paragraphs 623, 635.

Licensing of institutions or houses for mentally defective persons.

That all institutions and houses (as defined in the Preamble) for the care and maintenance of mentally defective persons, wherever situate in England and Wales, be licensed solely by the Board of Control and not by the licensing justices as under the Lunacy Act, 1890, and be registered at the office of the Board, and at the office of the Committee of the County Council or County Borough Council within the area of which they are chargeable for the payment of rates; and that, in view of the special class or classes of mentally defective persons which are to be maintained in the several institutions, the Board draw up such regulations as may be necessary in regard to the accommodation to be provided in such institutions, due regard being had to economy in outlay and in administration.

NOTE.—With regard to Sec. 207 (6) of Lunacy Act, which limits the power of granting new licences in the case of houses for lunatics, no suggestion is here made as to the restriction of new licenses for any kind of institution. It is felt that this question can only be settled by decisions in regard to the fitness of particular institutions in respect to which a licence is desired. Sections 207 to 224 of the Lunacy Act of 1890, will have to be revised in view of this recommendation, but the Board of Control should be the sole licensing authority, to the exclusion of the "licensing justices" referred to therein.

RECOMMENDATION XV.

See paragraph 813.

Division of England and Wales into districts.

That England and Wales be divided into at least eight districts suitable for purposes of supervision and visitation.

RECOMMENDATION XVI.

See paragraph 813.

Appointment of Assistant Commissioners to each district, and, if necessary, for special branches of work.

That an Assistant Commissioner be appointed to each district and that for special branches of work Assistant Commissioners may, if necessary, be appointed, provided always that the Assistant District Commissioners be qualified medical practitioners.

RECOMMENDATION XVII.

Duties of Assistant Commissioners.

That the duties of the Assistant Commissioners shall be such as the Board of Control may direct, and shall extend to all classes of persons under the supervision of the Commissioners. The District Commissioners shall make an annual report to the Commissioners in regard to their several districts, and such parts of their Reports as the Board shall deem to be of public interest or importance shall be published in the Annual Report of the Board.

RECOMMENDATION XVIII.

Qualifications of Assistant District Commissioners.

That in any appointment of Assistant District Commissioners, special consideration be paid to the claims of persons who have expert knowledge in regard to the various classes of mental defect mentioned in Recommendation IV., or respecting institutional and other administration.

RECOMMENDATION XIX.

Honorary Commissioners.

That Honorary Commissioners be appointed for a term of years, but so that a proportion of the number retire in each year, and that in making such appointments, consideration be paid to the claims of persons who combine a general interest in the well-being of the mentally defective with special knowledge in regard to some branch of institutional or administrative work, or who have such other qualifications as are likely to be of special service to the Board of Control.

See paragraph 810.

RECOMMENDATION XX.

Board of Control o include one woman at least.

That inasmuch as women are very deeply concerned in questions relating to the care and control of the mentally defective, it is desirable that one at least of the members of the Board of Control should be a woman of special experience in the subject.

RECOMMENDATION XXI.

Civil Service rule of retirement to apply.

That the tenure of office for Commissioners and Assistant Commissioners be that of ordinary civil servants and that the ordinary Civil Service rule of retirement at the age of 65 shall apply to the salaried members of the Board of Control, to the Secretary, and to the Assistant Commissioners, but that in determining the amount of the pension, due consideration be paid to the comparatively short tenure of office which, in individual cases, might result in hardship owing to such retirement being enforced.

See paragraphs 610, 711, 775.

RECOMMENDATION XXII.

Visitation by single member of the Board of Control.

That all duties respecting the visitation of institutions or houses for the care of the mentally defective, such as those required by Sections 187 and 191 of the Lunacy Act, 1890, for the visitation of asylums, hospitals and licensed houses, unless in the particular instance the Board of Control decide otherwise, may be undertaken by one Medical Commissioner, or by one other Commissioner, assisted by a Medical Commissioner or by an Assistant District Commissioner, and that, except where the Board of Control otherwise decide, a single member of the Board be authorised to inquire and report in regard to any scheme advanced or any educational, custodial or other arrangement, proposed by any local authority or public or voluntary agency for the aid, support, or benefit of mentally defective persons, and that the present powers and duties of the Honorary Commissioners under the Lunacy Act, 1890, with regard to lunatics, be extended to all mentally defective persons as defined in Recommendation IV.

See paragraph 661.

RECOMMENDATION XXIII.

See paragraphs 586, 715–716, 850–852.

Annual Report of the Board of Control.

That the Annual Report issued by the Board of Control should include particulars of methods of treatment for mental defect in England and Wales and elsewhere, accounts of new results of medical science and progress in regard to the proper care and supervision of the several classes of mentally defective persons, with the necessary statements of expenditure, plans, etc., etc., and that economy in construction and management of institutions should be a question considered and reported upon by the Board from year to year in their Annual Report.

TRANSITORY MEASURES.

RECOMMENDATION XXIV.

See paragraphs 635, 643, 805.

Amalgamation of office, etc., of Chancery Visitors with that of Lunacy Commissioners, and appointment of additional Medical Commissioners.

That for immediate purposes, and pending the establishment by the Legislature of the proposed central authority and local authorities, it is expedient that the Lord Chancellor, in pursuance of his powers under Section 337 of the Lunacy Act, 1890, should at once

See paragraphs 775–788.

(1) Amalgamate the office of the Chancery Visitors and their duties and staff with the office, duties and staff of the Lunacy Commissioners; (2) appoint two additional Medical Commissioners to the amalgamated office, at such salaries as, with the concurrence of the Treasury, he may think reasonable.

See paragraphs 635, 643.

NOTE.—Section 337 of the Lunacy Act, 1890, is as follows:—

Power to amalgamate the lunacy departments.

337.—(1.) The Lord Chancellor may, if it seems expedient to him so to do, by order under his hand, amalgamate the office of the Masters and their staff, and the office of the Chancery Visitors and their staff, and may amalgamate such offices, or either of them, with the office of the Commissioners, and may give such directions as he may think fit for the reconstitution of the Commissioners, and for the exercise and performance of the powers and duties of the Commissioners, and of the officers and staff amalgamated respectively under any order under this section.

(2.) In the event of any such amalgamation, the Lord Chancellor may, with the concurrence of the Treasury, fix the qualifications and salaries of the members of the amalgamated office and of the staff attached thereto, and may, with such concurrence, increase or diminish the number of such members and staff.

(3.) An order under this section shall not be made so as to prejudice the rights of the Masters, Visitors, and Commissioners respectively holding office at the passing of this Act.

(4.) The Lord Chancellor may by order direct that such proportion as he may consider reasonable of the expenses incurred in carrying any such amalgamation into effect, including the cost of providing office accommodation, shall be paid out of the percentage charged on the incomes of lunatics.

RECOMMENDATION XXV.

See paragraph 801.

Transfer of lunacy jurisdiction to Chancery Division to be brought into operation as rapidly as possible.

That in making fresh appointments and by the exercise of any of the powers and jurisdictions possessed by the Lord Chancellor, the coming into operation of Recommendation VII. be effected as rapidly as may be, and if possible be applied to the business at present transacted under the Lunacy Act, 1890.

RECOMMENDATION XXVI.

See paragraphs 610, 810.

Honorary Commissioners to be appointed to fill existing vacancies.

That it is expedient that in pursuance of his powers under Sections 150 and 151 and 337 of the Lunacy Act, 1890, the Lord Chancellor should appoint Honorary Commissioners to fill the existing vacancies on the Board of the Lunacy Commission, being, as far as may be, persons who combine a general interest in the well-being of the mentally

defective, with special knowledge in regard to some branch of institutional or administrative work, or who have such other qualifications as are likely to be of special service to the Commission.

NOTE.—Sections 150 and 151 of the Lunacy Act, 1890, are as follows :—

The Commissioners in Lunacy.

150.—(1.) There shall continue to be Commissioners in Lunacy, and such of them as are qualified for appointment by being medical practitioners or barristers shall be entitled to receive salaries.

(2.) The salaries of the paid Commissioners and the expenses of the Commissioners to the amount sanctioned by the Treasury shall be paid out of moneys provided by Parliament.

(3.) A Commissioner shall not, so long as he remains Commissioner and receives any salary in respect of his office, accept, hold, or carry on any other office or situation, or any profession or employment, from which any profit is derived.

Vacancies among the Commissioners may be filled.

151.—(1.) As often as a Commissioner dies, or is removed from his office, or is disqualified, or resigns, or refuses or becomes unable through illness or otherwise to act, the Lord Chancellor may appoint a person to be Commissioner in his place.

(2.) Every person appointed in the place of a medical practitioner shall be a medical practitioner, and every person appointed in the place of a barrister shall be a practising barrister of not less than five years standing, and every person appointed in the place of any other Commissioner shall be neither a medical practitioner nor a practising barrister. Provided that a medical or legal Commissioner may upon resigning his office be appointed to fill any vacancy among the unpaid Commissioners, and if so appointed he may, upon the request of any four of the Commissioners, perform any duty which he might have performed before his resignation. Provided also that the secretary for the time being of the Commissioners shall be eligible to be a Commissioner in the place of a barrister.

(3.) In case of the temporary illness or disability of a medical or legal Commissioner, the Lord Chancellor may, on the recommendation of the Commissioners, appoint a person qualified to be a medical or legal Commissioner to be his substitute so long as the illness or disability continues, and the substitute may exercise all the powers of the person for whom he acts.

(4) The Commissioners for the time being may act notwithstanding any vacancy in their body.

(5) Every Commissioner hereafter appointed shall, before he acts as Commissioner, make before the Lord Chancellor, or before any three Commissioners qualified to act, the declaration to be made by a Commissioner set forth in the First Schedule.

RECOMMENDATION XXVII.

Architect to be appointed to the Lunacy Commission.

That the Treasury sanction the engagement of an Architect to devote his whole time to the work of the Commission.

See paragraphs 616–617, 677–678.

B.—THE LOCAL AUTHORITIES.

(Recommendations XXVIII. to XLVIII.)

(a) CONSTITUTION AND DUTIES.

(Recommendations XXVIII. to XXXIV.)

RECOMMENDATION XXVIII.

Local Authority to make provision, etc., for mentally defective persons.

That the Council of each County and the Council of each County Borough be the local authority under the proposed Act, and be required by Statute to make suitable and sufficient provision for the care and control of the mentally defective in the County or County Borough, in institutions, homes, or houses, in observation or reception wards, or under family guardianship, or in any other way of which the Board of Control shall approve.

See paragraphs 193–195, 812 above.

NOTE.—The words of the recommendation, "make suitable and sufficient provision for the care and control of the mentally defective," would need to be substituted for "shall provide and maintain an asylum or asylums for the accommodation of pauper lunatics" in Sec. 238 of the Lunacy Act, 1890 (see below). Under the scheme, while the County Councils and County Borough Councils would be local authorities the other authorities named in Sec. 240 would be merged in them; the words "and the Council of each of the Boroughs specified in the Fourth Schedule, or in the case of the City of London the Common Council" would have to be deleted.

LUNACY ACT, 1890.

Local authorities to provide asylums.

238.—(1.) Every local authority, as defined by this Act, shall provide and maintain an asylum or asylums for the accommodation of pauper lunatics.

(2.) Where the asylum accommodation of a local authority appears to the local authority to be insufficient, the local authority may supply the deficiency by exercising the powers by this Act conferred for providing asylum accommodation, or by rebuilding or enlarging any existing asylum.

(3.) For the purpose of providing asylum accommodation a local authority may purchase any licensed or other houses and land.

51 & 52 Vict. c. 41.

(4.) For the purpose of providing asylum accommodation a local authority not being a county council shall have the same powers as are by section sixty-five of the Local Government Act 1888, conferred upon a county council.

NOTE TO RECOMMENDATION XXVIII.

LOCAL AUTHORITY DEFINED.

240. The council of every administrative county and county borough respectively constituted under the Local Government Act, 1888 [and the council of each of the boroughs specified in the Fourth Schedule, or in the case of the City of London the Common Council], shall be a local authority for the purposes of this Act. — Local Authority defined.

POWERS FOR PROVIDING ASYLUMS.

241. A local authority may provide asylum accommodation for pauper and private patients, together or in separate asylums, and may provide separate asylums for idiots or patients suffering from any particular class of mental disorder. — Power to provide asylums for pauper and private patients.

POWER OF SECRETARY OF STATE TO ENFORCE ACT.

247. If the Commissioners report to a Secretary of State that any local authority has failed to satisfy the requirements of this Act as regards asylum accommodation, the Secretary of State may require the local authority to provide such accommodation in such manner as he may direct, and the local authority shall forthwith carry the requisition into effect. — Default by county or borough in providing asylum.

RECOMMENDATION XXIX.

That the local authority shall exercise the powers proposed to be conferred on them under the proposed Act through a Statutory Committee. — Local authority to act through a Committee.

NOTE.—The Statutory precedents for the course suggested are as follows:—Lunacy Act, 1890, Sections 169, 175, 239, and the Local Government Act, 1888, Section 82.

VISITING COMMITTEES OF ASYLUMS.

169.—(1.) For every asylum there shall be a Visiting Committee appointed annually by the local authority, consisting of not less than seven members. — Constitution of Visiting Committee.

(2.) The Visiting Committee of a district asylum shall be constituted of the number of members fixed by the agreement under which the asylum is provided.

(3.) Where there is more than one asylum, the local authority may appoint one committee for the management and control of all the asylums, and such committee shall appoint a sub-committee for each separate asylum, and may delegate to that sub-committee such powers and duties as the committee from time to time think fit.

(4.) Where a county borough has contributed towards the cost of any county asylum, the council of the borough may, if they so desire, appoint to be members of the Visiting Committee of the asylum such number of members of the council as may be agreed upon, or in default of agreement be determined by the Commissioners under the Local Government Act, 1888, or after they have ceased to hold office, by arbitration under that Act. Such appointment shall be in substitution for any appointment previously made on the part of the borough. — 51 & 52 Vict. c. 41.

(5.) Where a borough, not being a county borough, has contributed towards the cost of any county asylum, and the representatives of the borough on the county council are not entitled to vote for the appointment by the council of visitors of the asylum, the council of the borough may appoint two persons to be members of the committee.

(6.) During the continuance of a contract for the reception of the pauper lunatics of a county borough or borough specified in the Fourth Schedule into a county asylum, the council of the borough shall appoint a Visiting Committee to visit the lunatics sent from such county borough or borough in the asylum.

175.—(1.) The provisions of section eighty-two of the Local Government Act, 1888, with respect to the proceedings of committees of county councils shall apply to the proceedings of every Visiting Committee appointed wholly or partly by a county council, and the chairman of such committee may be elected accordingly. — Meetings of Visiting Committee.

(2.) To other Visiting Committees the following provisions shall apply:—

(*a.*) The members of the committee shall, within one month after their election meet at some convenient place, to be named in a notice in writing given by two or more of such members, or by the clerk of the outgoing committee by the direction of two or more of such members;

(*b.*) Notices of meetings shall be given to each member personally, or left at his place of abode, or sent by post seven days at least before the time appointed for the meeting;

(*c.*) The members shall at the first meeting elect one of their number to be chairman of the committee;

(*d.*) The chairman shall preside at all meetings at which he is present. In case of his absence from any meeting the members present shall elect one of their number to be chairman of the meeting;

(*e.*) Any meeting may be adjourned from time to time and from place to place;

(*f.*) The committee shall meet as often as they may think fit.

(*g.*) A meeting may be adjourned by two members; for all other purposes three members shall be a quorum;

(*h.*) Every question shall be decided by a majority of the votes of the members present, and in the event of an equality of votes the chairman shall have a second or casting vote;

(*i.*) The clerk of the committee shall, whenever required in writing by the chairman or any two members of the committee, or by the manager of the asylum, and the chairman may, whenever he thinks fit, summon a meeting of the committee;

239.—A local authority shall exercise the powers conferred by this Act for providing asylum accommodation by a visiting committee, subject, if the local authority thinks fit, to their directions as to which of the methods of providing asylum accommodation authorised by this Act shall be adopted. — Powers to be exercised by a Visiting Committee.

NOTE TO RECOMMENDATION XXIX.

Local Government Act, 1888, Section 82.

Proceedings of committees.

82.—(1.) A county council appointing under this Act any committee may from time to time make, vary, and revoke regulations respecting the quorum and proceedings of such committee, and as to the area (if any) within which it is to exercise its authority; and subject to such regulations the proceedings and quorum and the place of meeting, whether within or without the county, shall be such as the committee may from time to time direct, and the chairman at any meeting of the committee shall have a second or casting vote.

(2.) Every committee shall report its proceedings to the council by whom it was appointed, but to the extent to which the council so direct, the acts and proceedings of the committee shall not be required by the provisions of the Municipal Corporations Act, 1882, to be submitted to the council for their approval.

(3.) In the case of a joint committee the councils and courts appointing the joint committee shall jointly have the powers given by this section, and the provisions of this section shall apply accordingly.

RECOMMENDATION XXX.

Name of the Committee and transfer of duties of Visiting Committees.

That the Statutory Committee be called the Committee for the Care of the Mentally Defective and take over the duties of the Visiting Committee or Visiting Committees of the Council of the County or County Borough as the case may be.

NOTE.—The sections of the Lunacy Act, 1890, relating to the duties of the Visiting Committee are as follows :—

Visits by Visiting Committee.

188.—At least two members of the Visiting Committee shall together, once at least in every two months, inspect every part of the asylum, and see every patient therein, so as to give everyone, as far as possible, full opportunity of complaint, and examine the order and certificate or certificates for the admission of every lunatic admitted since the last visitation and the general books kept in the asylum; and shall enter in the Visitors book any remarks they think proper in regard to the condition and management of the asylum and the lunatics therein, and shall sign the book upon every visit.

Visits to lunatics received under a contract.

189.—(1.) During the continuance of a contract for the reception of the pauper lunatics of a county borough or other borough in a county asylum not less than two members of the Visiting Committee of the borough appointed for the purpose shall together, at least once in every six months, visit the asylum and see and examine the lunatics received under the contract, and shall report the result of their visit to the council of the borough.

(2.) The Visitors may, if they think fit, be accompanied by a medical practitioner who is not an officer of the asylum, and they may by order direct payment to such medical practitioner of such a sum as they think fit for his services, and such sum shall upon the production of the order be paid to the medical practitioner by the treasurer of the borough.

(3.) Every report under this section shall be entered among the records of the Council of the borough, and may be inspected by the Commissioners, and the Commissioners may, if they think fit, require the town clerk of the borough to transmit to them a copy of any such report.

Reports by Visiting Committee.

190.—(1.) The Visiting Committee of every asylum shall in every year lay before each local authority to which the asylum belongs, at their quarterly meeting in November, or at such other time as the local authority appoints, a report in writing of the state and condition of the asylum, and as to its sufficiency to provide the necessary accommodation, and as to its management and the conduct of the officers and servants, and the care of the patients therein.

(2.) The committee may in the report make such remarks in relation to any matters connected with the asylum as they think fit.

RECOMMENDATION XXXI.

Co-opted members of the Committee.

That the Committee for the care of the mentally defective be constituted so as to include within it by co-option additional members, of whom one at least shall be a woman, who have special experience or knowledge.

RECOMMENDATION XXXII.

Powers of local authority delegated to the Committee.

That all matters relating to the exercise by the Council of their powers (under the proposed Act for the care and control of the mentally defective), except the power of raising a rate or borrowing money, shall stand referred to the Committee for the care of the mentally defective, and the Council, before exercising such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of the Committee for the care of the mentally defective with respect to the matter in question. The Council may also delegate to the Committee, with or without restrictions or conditions, as they think fit, any of their powers (under such an Act) except the power of raising a rate or borrowing money.

RECOMMENDATION XXXIII.

Duty of Committee to receive requests as to provision and to report to Board of Control in case of refusal of requests.

That it shall be the duty of the Committee for the Care of the Mentally Defective to receive from parents and others in charge of mentally defective persons requests for the provision of care and control of those mentally defective persons, and on the receipt of such requests it shall be the duty of the Committee, after making any necessary enquiries as to the requirements of the mentally defective persons referred to, to arrange for the admission of those mentally defective persons into suitable institutions or houses or into suitable private care, and in the event of the Committee failing to provide such care for any such case it shall be a duty of the Committee to report the fact that they have not acted on such request, and the reasons for not so acting, to the Board of Control.

RECOMMENDATION XXXIV.

See paragraphs 372, 683–754, 763.

Discretion of Committee as to method of dealing with particular case.

That subject to the Regulations of the Board of Control it shall be at the discretion of the Committee to deal with mentally defective persons on whose behalf they deem that intervention on their part is necessary as they shall think best in the individual case, either registering the case only, or having it certified also, or taking steps for its certification and detention, or placing it in an Institution or Home or House or Colony or under private care or family guardianship, or leaving it to the care of its parents or guardians with or without the appointment of a Friendly Visitor, or taking any other measures that seem to them desirable.

(b) MEDICAL OFFICERS AND CERTIFYING MEDICAL PRACTITIONERS.

(Recommendations XXXV. to XXXVI.)

RECOMMENDATION XXXV.

Medical officer to be appointed by the local authority.

That on the recommendation of the Committee and subject to the approval of the Board of Control the Council of the County or County Borough appoint a specially qualified medical officer or officers to assist them in the care and control of the mentally defective in the county or county borough, on the understanding that the internal management of institutions should remain in the hands of the Superintendents in charge of them, subject to the supervision and authority of the Committee.

RECOMMENDATION XXXVI.

Appointment of certifying medical practitioners.

That in order that there may be a certifying medical practitioner at hand in different parts of the County or County Borough, the Committee divide the area of the County or County Borough into such districts as they may deem suitable, and that the Council of the County or County Borough, on the recommendation of the Committee and subject to the approval of the Board of Control, appoint in each of these districts one or more duly qualified medical men to act on behalf of the Committee as certifying medical practitioners; and that such certifying medical practitioner be paid by the Council by fee for each case examined by him, and his services shall be "a public duty" so as to secure for him the benefit of the Public Authorities Protection Act, 1893. The Board of Control shall make Rules to be observed in respect of the appointment, and amongst others as to the medical qualification and as to disqualifications from partnership or relationship or personal interest, and as to acting outside a district, and altering districts, and for the appointment of deputies.

(c) JOINT COMMITTEES AND MERGING OF CERTAIN BOROUGHS IN COUNTIES.

(Recommendations XXXVII. to XXXIX.)

RECOMMENDATION XXXVII.

Joint Committees of local authorities.

That with a view to promoting a common policy in the treatment and care of mentally defective persons in the administrative County and County Boroughs, and also for the supply of sufficient and suitable accommodation at the least expense, it is desirable that advantage should be taken of Section 81 of the Local Government Act, 1888, by these authorities, adequate powers being given by statute to Joint-Committees so appointed.

NOTE.—The Section referred to is as follows :—

Appointment of Joint Committees.

81.—(1) Any County Council or Councils, and any Court or Courts of Quarter Sessions, may from time to time join in appointing, out of their respective bodies, a joint committee for any purpose in respect of which they are jointly interested.

(7) This section shall apply to the Councils of County Boroughs in like manner as to Councils of administrative counties, and a standing joint committee may be appointed for two or more administrative counties, inclusive of County Boroughs, and the members of such joint committee shall be appointed by the several Quarter Sessions and Councils in such proportion and manner as they respectively may arrange, and in default of arrangement, as may be directed by a Secretary of State.

RECOMMENDATION XXXVIII.

Merger of certain boroughs in the county.

That the Boroughs which are local authorities for the purposes of the Lunacy Act of 1890 under Schedule 4, be merged for this purpose in the administrative County in which they are geographically situated, in accordance with the general policy of unification indicated in Section 246 of the Lunacy Act.

NOTE.—The Sections referred to above are reprinted below.

Lunacy Act, 1890, Section 240 :—

LOCAL AUTHORITY DEFINED.

Local authority defined.

240.—The council of every administrative county and county borough, respectively constituted under the Local Government Act, 1888, and the council of each of the boroughs specified in the Fourth Schedule, or in the case of the City of London the common council, shall be a local authority for the purposes of this Act.

NOTE.—The Boroughs mentioned in Schedule 4 referred to are as follows :—Barnstaple, Bedford, *Berwick-on-Tweed*, *Bridgwater*, Bury St. Edmunds, Cambridge, Colchester, Doncaster, *Dover*, *Grantham*, Gravesend, Guildford, Hereford, King's Lynn, London (City of), *Maidstone*, Newark, Newbury, Newcastle-under-Lyme, . *New Sarum*, New Windsor, Penzance, *Poole*, Rochester, *Scarborough*, Shrewsbury, Tiverton, Warwick, Wenlock, *Winchester*.

Lunacy Act, 1890, Section 246 :—

Where borough contracts with county powers of borough to provide an asylum to cease on determination of contract.

246.—Where any borough specified in the Fourth Schedule has contracted for the reception of the lunatics of the borough in the asylum of the county in which the borough is situate, the borough shall, on the determination of the contract, cease to be a local authority under this Act, and subject to the enactments providing for an additional charge for the maintenance of lunatics in cases where no contribution has been made towards the cost of building and furnishing an asylum, shall be liable to contribute to the county rate of the county in respect of such lunatic asylum in like manner as the rest of the county.

The boroughs printed in Italics have been struck out of the Schedule by the Lunacy Act, 1891, Section 29 and Schedule, or have ceased to be Local Authorities under Section 246 above.

RECOMMENDATION XXXIX.

Agreements between local authorities to unite in providing accommodation.

That it is desirable that, in accordance with the principle of Section 242 of the Lunacy Act, 1890, Councils of Administrative Counties and County Boroughs, acting through their Committees for the care of the mentally defective, should associate in any way they may think best for the supply of accommodation for any class or classes of the mentally defective, subject to the approval of the Board of Control and, as to financial arrangements, subject to the approval of the Local Government Board.

NOTE.—The Section of the Lunacy Act, 1890, above referred to is printed below.

NOTE TO RECOMMENDATION XXXIX. Modes in which asylum may be provided

242.—(1.) For the purpose of providing asylum accommodation, a local authority may do all or any of the following things:—

(*a.*) Provide and maintain an asylum alone;

(*b.*) Agree to unite in providing and maintaining a district asylum with any other local authority or local authorities;

(*c.*) Agree to unite with any other local authority or local authorities upon such terms as to payment and otherwise as may be thought proper for the joint use as a district asylum of any existing asylum, and, if they think fit, for the enlargement of the same.

(2.) Where an agreement to unite has been entered into, an agreement for further union may be entered into between all or any of the local authorities concerned, and for all the purposes of this Act an agreement for further union shall be deemed to be an agreement to unite.

(3.) An agreement to unite shall not be carried into effect without the approval of a Secretary of State.

(d) FINANCIAL ARRANGEMENTS.

(Recommendations XL to XLVII.)

RECOMMENDATION XL.

See Part VIII. above.

Discontinuance of 4s. grant.

That the transfers and payments now made by county and county borough councils pursuant to s. 24 (2), (e), (f) and (g) of the Local Government Act, 1888, out of the funds placed at their disposal by the Exchequer contribution under that Act from Local Taxation, Probate Duties, etc., consisting of:

(*a*) 4s. per week to the county fund liable to bear the expenses of pauper lunatics chargeable to the county in respect of each county lunatic;

(*b*) 4s. per week to boards of guardians in respect of each lunatic chargeable to guardians and maintained in an asylum, registered hospital or licensed house;

(*c*) 4s. per week to borough councils in respect of each lunatic chargeable to borough funds

shall be discontinued.

That the total cost of the maintenance, care and treatment, education, training and control of mentally defective persons and of the provision of suitable accommodation for them shall be borne by the county and county borough councils aided by new grants from the Exchequer.

Local Government Act, 1888, Section 24 (2) (*e*) (*f*) and (*g*):—

(2) In substitution for local grants, the council of each county shall from time to time as from the said day pay out of the county fund and charge to the Exchequer Contribution Account the following sums, that is to say—

(*e*) They shall transfer to that account of the county fund to which the maintenance of any pauper lunatic chargeable to the county is charged, a sum equal to four shillings a week for each such pauper lunatic, for whom the net charge upon the county council, after deducting any amount received by the county council for the maintenance of such lunatic from any source other than local rates, is equal to or exceeds four shillings a week throughout the period of maintenance for which the sum is so transferred;

(*f.*) They shall pay to the guardians of every poor law union wholly or partly in the county a sum equal to four shillings a week for each pauper lunatic chargeable to that union, and maintained in an asylum, registered hospital, or licensed house, for whom the net charge upon the guardians, after deducting any amount received by them for the maintenance of such lunatic from any source other than local rates, is equal to or exceeds four shillings a week throughout the period of maintenance for which the sum is so paid; and

(*g.*) They shall pay to the council of each borough to which the maintenance of any pauper lunatic is chargeable, a sum equal to four shillings a week for each such pauper lunatic for whom the net charge upon the council of the borough, after deducting any amount received by them for the maintenance of such lunatic from any source other than local rates, is equal to or exceeds four shillings a week throughout the period of maintenance for which the sum is so paid.

RECOMMENDATION XLI.

See Part VIII. above.

Exchequer grant payable to local authorities.

A.—That substantial financial assistance be granted from the Exchequer to a Council of the County or County Borough for the care and maintenance of mentally defective persons, and of epileptics not mentally defective, and that this assistance be granted by one or other of the following methods, either:—

(i) On them ethod of an annual block grant on the principle that the grant be greater or less according to the proportion of the local expenditure to an approved standard of proper and economical expenditure and also greater or less as the assessable value per head of the population of the district is smaller or larger; or

(ii) That in addition to the present Exchequer contributions there be paid by the Exchequer to the Councils of Counties and County Boroughs annually a grant based on the number of mentally defective persons, and epileptics not mentally defective, for whom provision is made beyond the numbers provided for on the 1st of January, 1908, and that such grant be the sum which the Board of Control certify to be equal to one-half of the cost properly incurred by such Councils in respect of such additional numbers.

B.—That this block grant or this maintenance grant be payable subject to the certificate of the Board of Control that the local authority has carried out its duties under Recommendation XXVIII. satisfactorily, and that in the event of the Board of Control refusing to give such a certificate an appeal shall lie to the Secretary of State, whose decision shall be final.

C.—That in addition to the above grant, whether it is a block grant or a maintenance grant, there be provided from the Exchequer annually for a term of years a grant in aid for the provision of necessary accommodation in the manner and in the locality advised by the Board of Control.

RECOMMENDATION XLII.

Use of grant by local authority, and power to contract with others to supply accommodation.

That, subject to the approval of the Board of Control, the Council of the County or County Borough acting through the Committee for the care of the mentally defective shall be authorised to use whatever grants may be made to them by the Exchequer in any way they may think best for the well-being of the mentally defective, and epileptics not mentally defective, and may contract with any Poor Law or other public authority, public or voluntary agency, or private person, under such conditions as they may deem advisable, for the care, education, training, or maintenance of mentally defective persons, or of epileptics not mentally defective.

RECOMMENDATION XLIII.

Architect to the Board of Control.

That an architect be appointed to assist the Board of Control by examining and reporting on plans, contracts, particulars and specifications submitted by Local Authorities to the Board, and in other ways, and that such architect receive a fixed salary, on the understanding that he is exclusively employed on the work of his department.

See paragraphs 616–617. 677–678.

RECOMMENDATION XLIV.

Plans for buildings, and estimates.

1. That the staff at the Offices of the Local Government Board for surveying, engineering, building and sanitation be available for the Board of Control in regard to sites, plans, particulars, specifications and estimates for the provision of accommodation for mentally defective persons, and that in cases of applications involving loans the Board of Control be under obligation to apply for such assistance.

See paragraphs 677–681.

2. That a local authority proposing to establish, alter, restore, or enlarge buildings, or to purchase or lease any estate or house, for the accommodation of mentally defective persons, shall send to the Board of Control all necessary plans and particulars with estimates.

3. That the Board of Control on receiving these plans, particulars and estimates, give them a preliminary consideration and, with the advice of their Architect, decide from their expert point of view, whether they are primâ facie suitable for the purpose intended, and involve no unreasonable expenditure.

4. That the Board of Control should next transmit them to the Local Government Board for report in regard to all questions as they arise connected with the survey of land, engineering, building and sanitation, for consideration and report in regard to the proposed cost, and for their opinion as to whether a loan to meet this cost would fall within the conditions of the Local Government Act of 1888, and the Municipal Corporations Act, 1882, and whether, subject to public inquiry, they are prepared to sanction the loan.

5. That on the receipt of the report of the Local Government Board, and of the information above mentioned, the whole matter be further considered by the Secretary of State, the Board of Control, and the representative of the Local Government Board, and, if desired, by representatives of the Local Authority.

6. That it be laid down clearly in the Act that plans, etc., shall not be approved which involve unreasonable expenditure.

7. That thereafter the approval of the plans, etc., be notified to the Local Authority by the Secretary of State, and the Local Authority then apply to the Local Government Board for a loan.

8. That the Secretary of State, on the report of the Board of Control, shall have power to prohibit the use of any parts of buildings for purposes other than those which were approved by him or which shall be deemed unsanitary or unsuitable.

NOTE.—The present statutory provisions as to "plans," etc., are as follows :—

Lunacy Act, 1890, Section 254 (2) :—

(2.) Plans and contracts agreed upon by a visiting committee shall not be carried into effect until approved by a Secretary of State.

Lunacy Act, 1891, Section 16 :—

16.—In sub-section two of section two hundred and fifty-four of the principal Act, there shall be added after the word "contracts" the words "for the purchase of lands and buildings and for the erection, restoration, and enlargement of buildings."

Lunacy Act, 1890, Section 272 :—

APPROVAL OF SECRETARY OF STATE.

272.—For the purpose of procuring the approval of a Secretary of State to any agreement, contract, or plan requiring approval under this Act, the agreement, contract, or plan, with an estimate of the probable cost of carrying it into effect, shall be submitted to the Commissioners, and to the Secretary of State, and the Commissioners shall make such inquiries as they think fit, and shall report thereon to the Secretary of State, who may approve the agreement, contract, or plan, with or without modification, or may refuse his approval. Mode of obtaining approval of Secretary of State.

Lunacy Act, 1890, Section 274 :—

BORROWING POWERS.

274.—(1.) For the purpose of paying any money payable under this Act, or for repaying any moneys borrowed under this Act or any former Act, authorising borrowing for purposes of asylum accommodation, the local authority may with the consent of the Local Government Board, and subject to the provisions of the Local Government Act, 1888, and the Municipal Corporations Act, 1882, according as the same respectively are applicable to the local authority, borrow on the security of the county or borough fund, and of any revenue of the local authority, or on either such fund or revenues or on any part of the revenues, such money as the local authority requires. Power to borrow. 51 & 52 Vict. c. 41. 45 & 46 Vict. c. 50.

(2.) The Public Works Loan Commissioners may, if they see fit, make any loan for the purposes of this Act to the local authority upon the security of any fund or revenues applicable to the purposes of this Act.

RECOMMENDATION XLV.

That the Board of Control have power to hold a public local inquiry in regard to any plan, scheme or proposal which has been submitted to them for the care of mentally defective persons. Public Local Inquiries by Board of Control.

RECOMMENDATION XLVI.

Settlement by counties.

That in view of the following considerations:

(1) that under Recommendations XXVIII. to XXXIV. the obligation of dealing with mentally defective persons is imposed on the Committee of the Council of the County or County Borough; *See* paragraphs 193-195, and 814 above.

(2) that the mentally defective persons dealt with hitherto as pauper lunatics will be no longer under the care of the Poor Law authorities; and

(3) that the charges for these persons are likely to be more or less heavy, as are at the present time the charges for persons dealt with as lunatics under the Lunacy Act of 1890,

it is desirable that a system of settlement based on residence by Counties and County Boroughs be introduced for the purpose of the administration now proposed.

RECOMMENDATION XLVII.

Time of residence in any institution, etc., for the mentally defective not to count for acquisition of settlement.

That residence in any institution, house, hospital, establishment or home licensed for the accommodation, maintenance, care, treatment, education training or control of any of the classes of mentally defective shall not count as part of the period of residence necessary to the acquisition of any settlement.

(e) ANNUAL REPORT.

(Recommendation XLVIII.)

RECOMMENDATION XLVIII.

Annual Report of Committees for the care of the mentally defective.

That the Committees for the Care of the Mentally Defective shall publish each year an annual report which shall be forwarded to the Board of Control, and the Board shall publish such of these reports or such extracts from these reports as they may deem to be of public interest or importance; and, in such a form as they may deem advisable, the Board shall require, and the Committees shall furnish, such statistical and other information as may be considered necessary in order to show the nature and extent of the work of the local authorities.

C.—GUARDIANSHIP AND SUPERVISION.

(Recommendations XLIX. to LIV.)

(a) PERSONS UNDER 21.

(Recommendations XLIX. to LII.)

RECOMMENDATION XLIX.

Cases under 21 not under suitable parental or other control, etc.

That in the case of persons under 21 years of age for whose care and control any Council is required to make suitable and sufficient provision, and who, in the opinion of the Committee, are not under suitable parental or other control, and are not receiving suitable training or are cruelly treated or otherwise neglected, and who in the opinion of the responsible Medical Officer of the Committee come within any of the classes (3) to (9) inclusive of Recommendation IV., the Committee may *See* paragraphs 345, 728-734.

RECOMMENDATION XLIX.—*cont.*

resolve that until the child reaches the age of 21 all the rights and powers of the parent or parents or other person who is the guardian of the child or is liable to maintain the child or has the custody of the child shall vest in the Committee until the child reaches the age of 21, and thereupon those rights and powers shall so vest. Provided (1) that the Committee may rescind the resolution if they think that it will be for the benefit of the child that it should be rescinded, or may permit the child to be either permanently or temporarily under the control of the parent or of any relative or of any friend or of any society or institution for the care of children; (2) that a Court of Summary Jurisdiction, if satisfied on complaint made by a parent, or if there is no parent, by the legal —or if there be no legal, then by the acting—guardian or the near relation of the child, that there was no ground for the resolution, or that it is for the benefit of the child that it should be permanently or temporarily under the control of its parent or guardian, or that the resolution of the Committee should be determined, may make an order accordingly, and the Committee shall comply with any such order; if the order determines the resolution, the resolution shall be thereby determined as from the date of the order, and the Committee shall cease to have the rights and powers of the parent as respects the child; (3) that an appeal from the Court of Summary Jurisdiction to the Quarter Sessions be allowed.

NOTE.—This recommendation proceeds on similar lines to the Poor Law Act, 1899, but with the addition of a right of appeal from the Court of Summary Jurisdiction to the Court of Quarter Sessions.

Poor Law Act, 1899, Section 1 :—

Control of guardians over orphans and children of persons unfit to have control of them. 52 & 53 Vict. c. 56.

1.—For sub-sections one, two, and four of section one of the Poor Law Act, 1889 (which sub-sections are hereby repealed), shall be substituted the following sub-sections :—

"(1.) Where a child is maintained by the guardians of a poor law union and—

"(i.) the child has been deserted by its parent; or

"(ii.) the guardians are of opinion that by reason of mental deficiency, or of vicious habits or mode of life, a parent of the child is unfit to have the control of it; or

"(iii.) a parent is unable to perform his or her parental duties by reason of being under sentence of penal servitude or of being detained under the Inebriates Act, 1898; or

"(iv.) a parent of the child has been sentenced to imprisonment in respect of any offence against any of his or her children; or 61 & 62 Vict. c. 60.

"(v.) a parent of the child is permanently bedridden or disabled, and is the inmate of a workhouse, and consents to the resolution hereinafter mentioned; or

"(vi.) both the parents, or in the case of an illegitimate child the mother of the child, are or is dead;

"the guardians may at any time resolve that until the child reaches the age of eighteen years all the rights and powers of such parent as aforesaid, or if both parents are dead of the parents, in respect of the child shall, subject as in this Act mentioned, vest in the guardians, and thereupon those rights and powers shall so vest accordingly, and shall continue so vested whether the child does or does not continue to be maintained by the guardians.

"Provided that the guardians may rescind the resolution if they think that it will be for the benefit of the child that it should be rescinded, or may permit the child to be, either permanently or temporarily, under the control of the parent, or of any other relative, or of any friend, or of any society or institution for the care of children.

"(2.) A court of summary jurisdiction, if satisfied on complaint made by a parent or if there is no parent by the guardian of a child that there was no ground for the resolution, or that it is for the benefit of the child that it should be either permanently or temporarily under the control of its parents or guardian, or that the resolution of the guardians should be determined, may make an order accordingly, and the guardians shall comply with any such order, and if the order determines the resolution the resolution shall be thereby determined as from the date of the order, and the guardians shall cease to have the rights and powers of the parent as respects the child."

RECOMMENDATION L.

Cases under wardship of Committee to be reported on at age of 21.

That in all cases of mentally defective persons who are under the wardship of the Committee under Recommendation XLIX., the Committee shall report to the Board of Control as to their condition when they reach the age of 21, and the Board shall decide what further steps shall be taken in view of the continuance of such persons under care and control.

RECOMMENDATION LI.

Cases under 21 under suitable parental or other control.

That in the case of persons under 21 years of age who, in the opinion of the Committee, are under suitable parental or other control, and are receiving suitable training, or are not cruelly treated or otherwise neglected, but in the judgment of the responsible Medical Officer of the Committee come within any of the classes (3) to (9), inclusive, of Recommendation IV., the Committee endeavour to make a voluntary agreement with the parent or guardian for the appointment of a Friendly Visitor who, with the Committee, shall be consulted as to any proposed removal of the person from his or her present residence or any change in regard to his or her education and training or any question of marriage, and generally in regard to any matter that may affect the well-being of the person at the time or in the future, so that the parent or guardian may have the benefit of the advice and co-operation of the Committee and of the Friendly Visitor.

See paragraph 345.

RECOMMENDATION LII.

Adaptation of Idiots Act procedure to other classes of mentally defective persons.

That, following the precedent of the Idiots Act, 1886, any person under 21 years of age who comes within any of the classes (3) to (9), inclusive, of Recommendation IV. may be placed by the parents or guardians or by any person undertaking and performing towards him the duty of a parent or guardian, or by the Committee, in any registered institution or house for the mentally defective, upon the certificate in writing of a qualified medical practitioner, without the intervention of a judicial authority; and on reaching the age of 21 may, with the consent of the Board of Control, be retained after he is of full age.

See paragraph 531.

NOTE.—The Sections of the Idiots Act specially referred to above are reprinted below:—

SECTION 4 OF THE IDIOTS ACT, 1886.

4. An idiot or imbecile from birth or from an early age may, if under age, be placed by his parents or guardians or by any person undertaking and performing towards him the duty of a parent or guardian, and may lawfully be received into, and until of full age detained in, any hospital, institution, or licensed house, registered under this Act for the care, education, and training of idiots or imbeciles upon the certificate in writing of a duly qualified medical practitioner in the Form One in the Schedule that the person to whom such certificate relates is an idiot or imbecile, capable of receiving benefit from such hospital, institution, or licensed house, accompanied by a Statement in the Form Two in the Schedule signed by the parent or guardian of the idiot or imbecile, or the person undertaking or performing towards him the duty of a parent or guardian.

FIRST PARAGRAPH OF SECTION 5 OF THE IDIOTS ACT, 1886.

5. Any idiot or imbecile who has while under age been received under this Act into any hospital, institution, or licensed house, registered under this Act, may, with the consent in writing of the Commissioners in Lunacy, be retained therein after he is of full age . . . . .

The SCHEDULE.

FORM 1.

Form of Medical Certificate.

I, the undersigned *A.B.*, a person registered under the Medical Act, 1858, and in the actual practice of the medical profession, certify that I have carefully examined *C.D.*, an infant [*or* of full age], now residing at , and that I am of opinion that the said *C.D.* is an idiot [*or* has been imbecile from birth, *or* for years past *or* from an early age], and is capable of receiving benefit from [the institution (describing it)], registered under the Idiots Act, 1886.

Dated (Signed)
(full postal address).

FORM 2.

Form of Statement to accompany Medical Certificate.

[If any particulars in this statement be not known, the fact to be so stated.]
Name of patient, with Christian name at length.
Sex and age.
When and where previously under care and treatment.
In any asylum or institution.
Whether subject to epilepsy.
Whether dangerous to others.
I certify that to the best of my knowledge the above particulars are correctly stated.
(Signed) Name and full postal address.
[To be signed by the parent or guardian of the idiot or imbecile or the person undertaking and performing towards him the duty of a parent or guardian.]

Note to Recommendation LII.—*contd.*

(b) PERSONS AFTER 21.

(Recommendations LIII. to LIV.)

RECOMMENDATION LIII.

That in the case of persons over 21 years of age for whose care and control any Council is required to make suitable and sufficient provision, who have not been under the wardship of the Committee or dealt with under Recommendation LI. above, and are alleged to be mentally defective as defined in Recommendation IV., the Committee shall deal with the case as they think fit with a view to the proper care, control, and safeguard of the mentally defective person, and may, if they deem it right by one of their officers, present a petition as next friend of the said person, under Sections 4 to 8 of the Lunacy Act, 1890, as modified in Recommendation LXVIII., or may make an urgency order or apply for a summary reception order under Sections 11 and 13 of the Lunacy Act, 1890, as modified in Recommendation LXXI.

Petition may be presented by the Committee as next friend in certain cases over 21.

RECOMMENDATION LIV.

That if in the opinion of the Committee and of their Medical Officer it is desirable that any person over 21 years of age who is mentally defective as defined in Recommendation IV., and who might otherwise be taken charge of by the Committee, should be retained under the care of a relation or friend, nothing in the proposed Act shall prevent this.

Power to allow relation or friend to retain mentally defective person.

D.—PROCEDURE IN REGARD TO MENTALLY DEFECTIVE PERSONS.

(Recommendations LV. to LXXI.)

(a) INQUIRY AS TO THE NUMBERS OF DEFECTIVE PERSONS AND NOTIFICATION.

(Recommendations LV. to LVIII.)

RECOMMENDATION LV.

See paragraphs 311–312, 584, 598.

That, with a view to facilitate the work of the Committee in the first instance, it shall be its duty in pursuance of regulations to be laid down by the Board of Control to ascertain as far as possible the number of mentally defective persons for whom the Council is liable to provide, either by the Medical Officer of the Committee or by a well qualified medical man appointed for the purpose, acting under the supervision of the Medical Officer.

Inquiry as to number of mentally defective persons.

ENGLAND AND WALES.

D.—PROCEDURE IN REGARD TO MENTALLY DEFECTIVE PERSONS.

(a)—Inquiry as to the numbers of Defective Persons and Notification.

(RECOMMENDATIONS LV.-LVIII)

Note to Recommendation LV.—*contd.*

NOTE.—The principle involved in such an inquiry has already received legislative sanction See Section 1 of the Elementary Education (Defective and Epileptic Children) Act, 1899, as follows:—

"1 (1) A school authority, as defined by the Elementary Education (Blind and Deaf Children) Act, 1893, may, with the approval of the Education Department, make such arrangements as they may think fit for ascertaining—

(*a*) What children in their district, not being imbecile, and not being merely dull or backward, are defective, that is to say, what children by reason of mental or physical defect are incapable of receiving proper benefit from the instruction in the ordinary public elementary schools, but are not incapable by reason of such defect of receiving benefit from instruction in such special classes or schools as are in this Act mentioned; and

(*b*) What children in their district are epileptic children, that is to say, what children, not being idiots or imbeciles, are unfit by reason of severe epilepsy to attend the ordinary public elementary schools.

(2) The school authority, in making their arrangements under this section, shall provide facilities for enabling any parent who is of opinion that his child ought to be dealt with under this Act to present such child to the school authority to be examined, although he may not have been required so to do by that authority; and any school authority failing to provide such facilities shall be deemed to have acted in contravention of this Act.

(3) For the purpose of ascertaining whether a child is defective or epileptic within the meaning of this section, a certificate to that effect by a duly qualified practitioner approved by the Education Department shall be required in each case. The certificate shall be in such form as may be prescribed by the Education Department.

(4) For the purpose of the exercise of the powers conferred by this section, it shall be the duty of the parent of any child who may be required by the school authority to be examined to cause the child to attend such examination, and any parent who fails to comply with such requirement shall be liable on summary conviction to a fine not exceeding five pounds."

RECOMMENDATION LVI.

Notification of mentally defective persons.

That it be the statutory duty of the Medical Officers of the Local Education Authorities, of the Guardians of the Poor, and of the Public Health Committees, the Relieving Officers of Boards of Guardians, the Medical Officers of Convict and Local Prisons, the Police, and the Managers of any Homes for Inebriates or any Charitable, Religious or Voluntary Institutions or Societies, or any Naval or Military Authorities, to notify to the Committee all cases of mental defect coming to their knowledge in the course of duty appearing to come within Recommendation IV. above, provided always that a Secretary of State may, on special grounds to be stated in the Annual Report of the Board of Control, by regulation exempt any particular authorities from the fulfilment of this duty.

RECOMMENDATION LVII.

Notification of Mentally Defective Patients received for Profit.

That anyone who for profit shall receive to reside as a patient or maintain any person appearing to come within any of the classes of mentally defective persons defined in Recommendation IV. shall within 7 days thereafter notify the same to the Board of Control.

See paragraphs 649, 713, 714.

RECOMMENDATION LVIII.

Report as to recurrent cases of unsound mind.

That it shall be the duty of Medical Officers who are in charge of Institutions for persons of unsound mind, Receiving Houses, and Reception Wards, to report to the Committee for special consideration the cases of persons who are repeatedly certified and admitted and repeatedly discharged, or who are in such a mental condition as would be likely to occasion their relapse under the stress of life, with a view to care and control being exercised in regard to them, if desirable, in some other and more effectual manner; and in cases of doubt whether the patient should or should not be discharged there may be an appeal to the Board of Control on the question, and the decision of the Board shall be final.

See paragraph 668.

NOTE.—As to Receiving Houses and Reception Wards see Recommendations LXIV—LXVII.

(b) ADMISSION, CONTINUANCE ORDERS, TRANSFERS AND DISCHARGES.

(Recommendations LIX. to LXIII.)

RECOMMENDATION LIX.

Medical Officer, honorary or paid, for every institution or house.

That as a condition of its licence, every institution or house for the care of the mentally defective shall through its Committee of Management appoint an honorary or paid Medical Officer who shall give such attendance as may be directed by the Board of Control.

RECOMMENDATION LX.

See paragraph 534.

Annual revision of mentally defective cases dealt with by the Committee.

(1) That at least once in every year there be a revision by the Committee of all cases of mentally defective persons who are being dealt with by them, and (2) that any changes made be reported to the Board of Control; and that the certificate of the Medical Officer of the institution shall, under regulations to be made by the Board of Control and subject to the approval of the Committee and the Board, suffice for the continuance of residence of the mentally defective person in the institution.

RECOMMENDATION LXI.

Transfer from one institution or house to another or private care or *vice versa*.

That in the case of mentally defective persons dealt with by the Committee no transfer (except as mentioned in the proviso below) shall take place from one institution or house to another or from an institution or house to private care or *vice versa* without the authority of the Committee and subject to their approval as to the selection of the institution or house or private care to which the mentally defective person is to be transferred, and the Board of Control shall make such regulations as may appear to them necessary in relation to the several classes of cases, for reports of transfers being made to them, and for the granting or withholding of their consent, provided always that the Board of Control may order the transfer of any particular case where it appears to the Board that such transfer is desirable.

RECOMMENDATION LXII.

See paragraph 668.

Discharge of persons from institutions.

That in the case of discharges of mentally defective persons from institutions into which persons coming under classes (2) to (9), inclusive, have been admitted, the discharge may, if the Committee think fit, be ordered by the Committee on the certificate of the Medical Officer of the institution; and, if the Medical Officer of the institution be of a contrary opinion to that of the Committee in regard to the discharge, there shall be an appeal to the Board of Control whose decision shall be final. The Regulations of the Board to be made under Recommendation LX. shall embody directions as to the principles on which discharges shall be ordered.

RECOMMENDATION LXIII.

Notification to the Committee and Board of Control of all admissions, transfers, etc.

That under regulations to be made by the Board of Control all admissions, transfers, continuance orders, discharges and deaths be at once reported to the Board of Control and to the Committee for the care of the Mentally Defective.

(c) RECEIVING HOUSES OR RECEPTION WARDS.

(Recommendations LXIV. to LXVII.)

RECOMMENDATION LXIV.

Receiving Houses or Reception Wards to be established.

That for the reception and observation and temporary treatment of cases of mental defect the Committee, under regulations to be made by the Board of Control, shall provide or contract with others to provide such Receiving Houses or Reception Wards in various parts of their area as may be necessary; and that such Receiving Houses or Reception Wards be exclusively used for that purpose and be licensed by the Board of Control and placed under the management of the Committee; and that they be available not only for poor persons but also, on payment, for persons who might be fully and sufficiently provided for otherwise at their own charges or at the charges of their relations or friends.

See paragraphs 706–716.

RECOMMENDATION LXV.

Statutory obligation on certain public authorities to provide accommodation for Receiving Houses or Wards on request of the Council of the County or County Borough.

That there be a statutory obligation imposed on public authorities within the area of the County or County Borough, such as Boards of Guardians and District and Borough Councils, on the request of the Council of the County or County Borough, if approved by the Board of Control, to provide the necessary accommodation for Receiving Houses or Wards on such terms as may be arranged between them; and that in case of a difference of opinion between the Council of the County or County Borough and the other authority in respect of the necessity for such provision or of the expediency of using any existing building for such purpose, there shall be an appeal to the Secretary of State; provided that in the case of any building provided, or to be provided under the authority of the Local Government Board, it shall be the duty of the Local Government Board, after inquiry, to determine if the building should be provided or used for the proposed purpose, and, if so, upon what terms; and the decision of the Local Government Board shall be final.

RECOMMENDATION LXVI.

Cases in receiving houses, etc., to be seen by a Medical Officer representing the Committee.

That in the case of all mentally defective persons taken to a Receiving House or Reception Ward it shall be necessary for the Medical Officer or one of the Medical Officers of the Committee, or a certifying medical practitioner, to attend at the Receiving House or Reception Ward, and act as one of the certifying medical officers.

RECOMMENDATION LXVII.

Application for Admission of Mentally Defective Persons to Receiving House or Reception Ward.

That, under any immediate certificate or order that the Board of Control under its regulations may require, any person alleged to be mentally defective, as defined in Recommendation IV., may be at once admitted to a Receiving House or Reception Ward on application made either by the person himself or on his behalf, subject to the approval and order of the Medical Officer in charge, and (except in cases of payment under Recommendation LXIV.) all necessary expenditure for the maintenance of such persons shall be borne by the Committee. And further, that the Medical Officer in charge of the Receiving House or Reception Ward shall at once on the admission of such person report the fact to the Medical Officer of the Committee with a view to such sufficient action being taken on their part as, in their opinion, the case requires.

See paragraph 713–714.

(d) MODIFICATIONS OF THE LUNACY ACT, 1890.

(Recommendations LXVIII. to LXXI.)

RECOMMENDATION LXVIII.

That Sections 4 to 8 of the Lunacy Act, 1890, be altered in the manner stated below:

See paragraphs 719–727.

[N.B. The following is a transcript of Sections 4–8 of the Lunacy Act, 1890, as proposed to be amended.

Reception orders on Petition applicable to mentally defective persons.

The principle of these alterations is to adopt the system in force under the Lunacy Acts and extend it to all classes of mentally defective persons as defined in Recommendation IV., without regard to the question whether they are "paupers" or not.

(1) The word "lunatic" is replaced by "mentally defective person" throughout, and the word "pauper" eliminated.

(2) The Committee may through its representative, present a petition as "next friend" of the mentally defective person where it thinks such petition ought to be presented, either at the request of the relatives or when the relatives or friends have failed to act (Sec. 5 (5)).

(3) The judicial authority may select a suitable institution or house or leave the selection to the Committee, in cases where the relations or friends of the mentally defective person have failed to select one (Sec. 6 (1)).

(4) The order of the judicial authority should state whether or not the patient has been personally examined by him (Sec. 6 (2)).

The alterations made in the sections of the Lunacy Act are designated as follows :—

Additions are made in *italic* print, and words deleted are printed within square brackets, *i.e.*, [ ]. As to the procedure in regard to persons under 21 coming under classes (3) to (9) of Recommendation IV. without the intervention of a "judicial authority," *see* Recommendation LII. above.]

PART I.

RECEPTION OF LUNATICS.

Reception Orders on Petition.

Private patients not found mentally defective by inquisition to be received only unde order of judicial authority.

4.—(1.) Subject to the exceptions in this Act mentioned, a person, not being [a pauper or] a [lunatic] *mentally defective person* so found by inquisition, shall not be received and detained as a [lunatic] *mentally defective person* in an institution *or house* for [lunatics] *mentally defective persons* or as a single patient, unless under a reception order made by the judicial authority hereinafter mentioned. A relative of the person applying for an order under this section or of the [lunatic] *mentally defective person*, or of the husband or wife of the [lunatic] *mentally defective person*, shall not be capable of making such order.

(2.) The order shall be obtained upon a private application by petition accompanied by a statement of particulars and by two medical certificates on separate sheets of paper.

Petition for reception order.

5.—(1.) The petition shall be presented, if possible, by the husband or wife or by a relative of the alleged [lunatic] *mentally defective person*. If not so presented it shall contain a statement of the reasons why the petition is not so presented and of the connexion of the petitioner with the alleged [lunatic] *mentally defective person*, and the circumstances under which he presents the petition.

(2.) No person shall present a petition unless he is at least twenty-one years of age and has within fourteen days before the presentation of the petition personally seen the alleged [lunatic] *mentally defective person*.

(3.) The petitioner shall in the petition undertake that he will personally, or by someone specially appointed by him, visit the patient once at least in every six months; and the undertaking shall be recited in the order.

(4.) The petition shall be signed by the petitioner and the statement of particulars by the person making the statement.

(5.) *Notwithstanding anything contained in this section, the Committee of any Council of a County or County Borough for the care of the mentally defective, may authorise its Medical Officer or one of its Medical Officers to present a petition as next friend of the alleged mentally defective person in any case where the Committee deems it advisable so to do, either at the request of the relatives, or in consequence of any failure, for any reason, on the part of any husband, wife, or other relative of the alleged mentally defective person so to present a petition, and where the Committee is advised by its Medical Officer or one of its Medical Officers that such petition ought to be presented.*

Procedure upon petition for a reception order.

6.—(1.) Upon the presentation of the petition the judicial authority shall consider the allegations in the petition and statement of particulars and the evidence of [lunacy] *mental defect* appearing by the medical certificates, and whether it is necessary for him personally to see and examine the alleged [lunatic] *mentally defective person*; and, if he is satisfied that an order may properly be made forthwith, he may make the same accordingly *either directing the admission of the mentally defective person to a particular institution or house which the petitioner, his relative, or friend may desire, or failing that, which in his opinion, on the evidence submitted to him or his personal knowledge, is suitable for the admission of the said person or directing the admission of the mentally defective person to an institution or house*

RECOMMENDATION LXVIII.—(*cont.*)

suitable for his proper care and control, as may be decided by the Committee for the Care of the Mentally Defective; or if not so satisfied he shall appoint as early a time as practicable, not being more than seven days after the presentation of the petition, for the consideration thereof; and he may make such further or other inquiries of or concerning the alleged [lunatic] *mentally defective person* as he may think fit. Notice of the time and place appointed for the consideration of the petition (unless personally given to the petitioner) shall be sent to the petitioner by post in a prepaid registered letter addressed to him at his address as given in the petition.

(2.) The judicial authority if not satisfied with the evidence of [lunacy] *mental defect* appearing by the medical certificates, may, if he thinks it necessary so to do visit the alleged [lunatic] *mentally defective person* at the place where he may happen to be. *And the order shall contain a statement that the patient has or has not been personally examined by such judicial authority.*

(3.) The petition shall be considered in private, and no one except the petitioner, the alleged [lunatic] *mentally defective person* (unless the judicial authority shall in his discretion otherwise order), any one person appointed by the alleged [lunatic] *mentally defective person* for that purpose, and the persons signing the medical certificates accompanying the petition, shall, without the leave of the judicial authority, be present at the consideration thereof.

(4.) At the time appointed for consideration of the petition the judicial authority may make an order thereon or dismiss the same, or, if he thinks fit, may adjourn the same for any period not exceeding fourteen days for further evidence or information, and he may give notice to such persons as he thinks fit of the adjourned consideration, and summon any persons to attend before him.

(5.) Every judicial authority and all persons admitted to be present at the consideration of any petition for a reception order, or otherwise having official cognisance of the fact that a petition has been presented, except the alleged [lunatic] *mentally defective person* and the person appointed by the alleged [lunatic] *mentally defective person* as aforesaid shall be bound to keep secret all matters and documents which may come to his or their knowledge by reason thereof, except when required to divulge the same by lawful authority.

Dismissal of petition.

7.—(1.) If the petition is dismissed, the judicial authority shall deliver to the petitioner a statement in writing under his hand of his reasons for dismissing the same, and shall send a copy of such statement to the [Commissioners] *Board of Control*, and shall also, where the alleged [lunatic] *mentally defective person* is detained under an urgency order, send notice by post or otherwise to the person in whose charge the alleged [lunatic] *mentally defective person* is, that the petition has been dismissed.

(2.) Any judicial authority making or refusing a reception order, shall, if so required by the [Commissioners] *Board of Control*, give to them all such information as they may require as to the circumstances under which the order was made or refused.

(3.) The [Commissioners] *Board of Control* may communicate such information as they think proper, on the dismissal of the petition or the release of the alleged [lunatic] *mentally defective person*, to him or to any person who may satisfy them that he is a proper person to receive the information.

(4.) If after a petition has been dismissed another petition is presented as to the same alleged [lunatic] *mentally defective person*, the person presenting such other petition, so far as he has any knowledge or information with regard to the previous petition and its dismissal shall state the facts relating thereto in his petition, and shall obtain from the [Commissioners] *Board of Control*, at his own expense, and present with his petition, a copy of the statement sent to them of the reasons for dismissing the previous petition, and, if he wilfully omits to comply with this sub-section, he shall be guilty of a misdemeanor.

Right of [lunatic] *mentally defective person* to be examined by judicial authority.

8.—(1.) When a [lunatic] *mentally defective person* has been received as a private patient under an order of a judicial authority, without a statement in the order that the patient has been personally seen by such judicial authority, the patient shall have the right to be taken before or visited by a judicial authority, other than the judicial authority who made the order, unless the medical officer of the institution *or house*, or, in the case of a single patient his medical attendant, within twenty-four hours after reception, in a certificate signed and sent to the [Commissioners] *Board of Control*, states that the exercise of such right would be prejudicial to the patient.

(2.) Where no such certificate has been signed and sent, the manager of the institution *or house* in which the patient is, or the person having charge of him as a single patient, shall within twenty-four hours after reception, give to the patient a notice in writing of his right under this section, and shall ascertain whether he desires to exercise the right; and if he, within seven days after his reception, expresses his desire to exercise the right, such manager or person shall procure him to sign a notice of such desire, and shall forthwith transmit it by post in a prepaid registered letter to the judicial authority, who is to exercise the jurisdiction under this section, or to the justices clerk of the petty sessional division or borough, where the [lunatic] *mentally defective person*, is, to be by him transmitted to such judicial authority, and the judicial authority shall thereupon arrange, as soon as conveniently may be, either to visit the patient or to have the patient brought before him by the manager or person as the judicial authority may think fit.

RECOMMENDATION LXVIII.—(*cont.*)

(3.) The judicial authority shall be entitled, if he desires so to do, to see the medical certificates and any other documents, upon the consideration of which the reception order was made, and shall after personally seeing the patient send to the [Commissioners] *Board of Control* a report, and the [Commissioners] *Board of Control* shall take such steps as may be necessary to give effect to the report.

(4.) For the purposes of this section the jurisdiction shall be exercised by any judicial authority having authority to act in the place where the person received is, and not being the judicial authority who made the reception order; and arrangements shall for that purpose from time to time be made amongst themselves by the persons having such authority as aforesaid.

(5.) If any manager of an institution *or house* for [lunatics] *mentally defective persons* or any person having charge of a single patient, omits to perform any duty imposed upon him by this section, he shall be guilty of a misdemeanor.

NOTE.—The judicial authority referred to above is thus defined in the Act.

THE JUDICIAL AUTHORITY DEFINED.

Judicial authorities defined.

9.—(1.) The powers of the judicial authority under this Act shall be exercised by a justice of the peace specially appointed as herein-after provided, or a judge of county courts, or magistrate [having* respectively jurisdiction in the place where the lunatic is.]

(2.) Every judicial authority shall, in the exercise of the jurisdiction conferred by this Act, have the same jurisdiction and power as regards the summoning and examination of witnesses, the administration of oaths, and otherwise, as if he were acting in the exercise of his ordinary jurisdiction, and shall be assisted, if he so requires, by the same officers as if he were so acting, and their assistance under this Act shall be considered in fixing their remuneration.

(3.) A judge of county courts and magistrates shall not be required to exercise any powers under this Act so as to interfere with or delay the exercise of his ordinary jurisdiction.

Appointment of justices to make reception orders.

10.—(1.) The justices of every county and quarter sessions borough, shall annually appoint out of their own body as many fit and proper persons as they may deem necessary to exercise [within the* county and borough respectively], the powers conferred by this Act upon the judicial authority. In making such appointments the justices of every county shall have regard to the convenience of the inhabitants of each petty sessional division thereof.

(2.) The annual appointments under this section shall be made by justices of a county at their Michaelmas quarter sessions, and by justices of a borough at special sessions to be held in the month of October.

(3.) If in any year such appointments are not made, it shall be lawful for the Lord Chancellor by writing under his hand, to make the same; and if, on any representation made to him that the number of justices so appointed for any county or borough is at any time insufficient, the Lord Chancellor is satisfied that such representation is well founded, he shall have power to appoint, by writing under his hand, any other justices of such county or borough to act, until the next Michaelmas quarter or special sessions, with the justices so appointed.

(4.) If in the case of a borough or place not having a separate quarter sessions, representation is made to the Lord Chancellor that public inconvenience is likely to result, unless power is given to the justices of such borough or place to exercise [within the same]* the powers conferred by this Act upon the judicial authority, it shall be lawful for the Lord Chancellor, from time to time, with or without a fresh representation, to appoint, by writing under his hand, one or more of the justices of such borough or place to exercise [within the same]* during such time as the Lord Chancellor thinks fit the powers aforesaid, together with any other specially appointed justices acting therein.

(5.) In the case of the death, absence, inability, or refusal to act of any justice appointed under this section the justices of the county or borough, or the Lord Chancellor, as the case may be, may appoint a justice to act in his place. Such appointment may be made by justices of a county at any quarter sessions, and by justices of a borough at special sessions to be held at the same time as any quarter sessions.

(6.) All appointments of justices under this section shall be recorded by the clerk of the peace of the county or borough, or in the case of a borough or place not having a separate quarter sessions, by the clerk to the justices, and it shall be the duty of every such clerk to publish the names of the justices so appointed in each petty sessional division of the county and otherwise for the information of all persons interested. In the case of quarter sessions boroughs, the clerk to the justices making the appointment shall forthwith notify the same to the clerk of the peace of the borough.

RECOMMENDATION LXIX.

Form of order for reception on petition under Recommendation LXVIII.

That the following form be adopted as the form to be signed by the Judicial Authority, Judge of County Court, or Stipendiary Magistrate making an Order under Recommendation LXVIII.

FORM.

Order for the reception of a mentally defective person, to be made by the Judicial Authority appointed under the Act for the Care and Control of the Mentally Defective, Judge of County Court, or Stipendiary Magistrate.

I, the undersigned, E.F., being a Justice for , specially appointed under the Act for the Care and Control of the Mentally Defective, on the petition of C.D. of (1) in the matter of A.B., a mentally defective person accompanied by the medical certificates of G.H. and I.J. hereto annexed, and upon the undertaking that the said C.D. do visit the said A.B. personally or by some one specially appointed by the said C.D. once at least in every six months, while under the care and control under this order (authorise you to receive the said A.B. as a patient into your Hospital, Institution, Registered House or Home) (2) or (authorise the Committee for the Care and Control of the Mentally Defective in the County of , or in the County Borough of to place the said A.B. as a patient in such Hospital, Institution, Registered House or Home, as they may think best in view of this order and the certificates that accompany it).

And I declare that I have (or have not) personally seen the said A.B. before making this order.

(*Signed*) E.F.,
A Justice appointed under the above-mentioned Act
(or the Judge of the County Court of
or a Stipendiary Magistrate).

To (3)

(1.) Address and description.

(2.) To be addressed to the medical superintendent or superintendent of such hospital, institution, or registered house or home selected; *or* to be addressed to the Committee for the Care and Control of the Mentally Defective for the county or county borough.

(3.) Here the name of the medical superintendent or superintendents; *or* the name and address of the committee of the county or county borough.

* The words in brackets [ ] in Sections 9 and 10 were repealed by the Lunacy Act, 1891, Schedule.

RECOMMENDATION LXX.

Form of certificate.

That the following form be adopted for the Certificates of a General Medical Practitioner, a Medical Officer of the Committee for the Care of the Mentally Defective, or a Certifying Medical Practitioner appointed under the Act for the Care and Control of the Mentally Defective.

See paragraph 727.

FORM.

Certificate of a Medical Officer of the Committee for the care of the Mentally Defective of the Council of the County or County Borough, or of a Certifying Medical Practitioner or of a General Medical Practitioner.

In the matter of A.B. (1) in the County or County Borough (2) of (3) a person alleged to be mentally defective.

I, the undersigned, C.D., do hereby certify as follows :

1. I am a person registered under the Medical Act, 1858, and I am (the Medical Officer of the said Committee) or (a Certifying Medical Practitioner appointed by the said Committee) or (in the actual practice of the Medical profession).

2. On day of , 19 , at (4) in the County or County Borough (5) of , (separately from any other practitioner) (6), I personally examined the said A.B., and came to the conclusion that he is mentally defective within the meaning of Section of the Act for the Care and Control of the Mentally Defective ; and that he requires care and control accordingly.

3. I formed this conclusion on the following grounds, namely :—

(*a*) Facts indicating mental defect ascertained by myself during (observation) (7) and examination (8) namely :—

(*b*) Facts communicated by others : (9)

(*If an urgency certificate is required it must be added here. See subjoined form.*)

4. In my opinion the said A.B. comes within the class of mental defect defined in subsection of Section of the Act for the Care and Control of the Mentally Defective (see back).

5. The said A.B. was (or was not) in my opinion, in a fit condition of bodily health to be admitted or removed to such a Hospital, Institution, Registered House or Home as is suitable for persons of mental defect coming under Clause of Section of the Act [10].

6. I give this certificate, having first read the sections of the Act of Parliament printed on the back.*

Dated (*Signed*) C.D., of [11]

* The schedule printed on the back would be as follows :

(1) Extract from Section 317 of the Lunacy Act, 1890, incorporated in the Acts for the Care and Control of the Mentally Defective.

Any person who makes a wilful misstatement of any material fact in any medical or other certificate or in any statement or report of bodily or mental condition under this Act, shall be guilty of a misdemeanor.

(2) Section of the Act for the Care and Control of the Mentally Defective containing the definitions of classes of mental defect (as defined in Recommendation IV.)

FORM.

Statement accompanying Urgency Order.

I certify that it is expedient for the welfare of the said A. B. (or for the public safety, *as the case may be*) that the said A. B. should be forthwith placed under care and control.

My reasons for this conclusion are as follows : (*State them.*)

(1.) Insert residence of patient.
(2.) County or county borough as the case may be.
(3.) Insert profession or occupation, if any.
(4.) Insert place of examination, giving name of street, with number or name of house, or should there be no number the Christian and surname of occupier.
(5.) County or county borough, as the case may be.
(6.) Omit this where only one certificate is required.
(7.) "Observations" include any observation of the patients at times other than the examination, for instance, at a Receiving House or Reception Ward.
(8.) If the same or other facts were observed previous to the time of the examination, the certifier is at liberty to subjoin them in a separate paragraph.
(9.) The names and Christian names (if known) of informants to be given, with their addresses and descriptions.
(10.) Strike out this clause in case of a private patient whose removal is not proposed.
(11) Insert full postal address.

RECOMMENDATION LXXI.

Urgency orders and summary reception orders applicable to mentally defective persons.

That Sections 11 to 23 of the Lunacy Act, 1890, be altered in the manner stated below :—

See paragraphs 719-727.

[N.B.—The following is a transcript of Section 11 to 23 of the Lunacy Act, 1890, as proposed to be amended. The principle of these alterations is to adopt the system in force under the Lunacy Act and extend it to all classes of mentally defective persons as defined in *Recommendation IV., without regard to the question whether they are "paupers" or not.*

(1) The word "lunatic" is replaced by "mentally defective person" throughout, and the word "pauper" eliminated. The latter change renders Sections 14 and 18 unnecessary, and they are accordingly printed in large square brackets.

(2) The word "workhouse" is deleted in the other sections which stand, and the words "Receiving House or Reception Ward" substituted. It will be noted that under Recommendations LXIV.-LXV. the Committee may contract with others, including Boards of Guardians, to provide the necessary accommodation for Receiving Houses or Reception Wards.

(3) The Committee may, through its representative, make an "urgency order" as "next friend" of the mentally defective person where it thinks such a course advisable, either at the request of the relatives or when the relatives of the mentally defective person have failed to act. (Sec. 11 (8)).

(4) The "Master in Lunacy" where referred to is eliminated, and "Legal Commissioner or a Judge of the High Court" substituted in accordance with Recommendations VII. and VIII. (Sec. 12).

RECOMMENDATION LXXI.—(*cont.*)

(5) The procedure on Summary Reception Orders is altered in the following ways:—

(a) The duty of informing a judicial authority as to mentally defective persons not under proper care and control, or cruelly treated or neglected, is imposed on medical officers of a Poor Law parish or union and on representatives of the Committee, in addition to constables, relieving officers, and overseers who at present have to give such information as to "lunatics" (Sec. 13 (1)).

(b) The judicial authority, on receiving information on oath of any person whomsoever as to such mentally defective person, must authorise the medical officer of the Committee or a certifying medical practitioner to examine the mentally defective person.

It will be noted that one medical representative of the Committee is substituted for the two medical practitioners who at present make the examination of "lunatics" under similar conditions (Sec. 13 (2)). Under Section 16 the Justices could at present make an order on one medical certificate in the case of a pauper alleged to be a lunatic or an alleged lunatic wandering at large. We propose to eliminate Section 14, relating to a pauper alleged to be a lunatic, but to extend the provisions of Sections 15 and 16 to all mentally defective persons wandering at large.

The effect of our alterations is to make it necessary—

(i.) In cases of mentally defective persons not under proper care and control, or cruelly treated or neglected, brought before a "judicial authority," to require a certificate from one medical representative of the Committee (Sec. 13 (2)).

(ii.) In cases of mentally defective persons wandering at large brought before a justice to require a certificate from any one medical practitioner (Sec. 16).

(c) The order of detention is, in the first instance, to be for not more than fourteen days to a Receiving House or Reception Ward, or other institution or house (Secs. 13 & 16), during which period the Committee will decide on a suitable institution or house (Secs. 13 (3) and 16).

(6) The procedure under Section 23, as to Reception Orders by any two or more Commissioners is extended to all mentally defective persons, and to epileptics whether mentally defective or alleged sane in registered institutions or houses for epileptics. The Commissioners will communicate with the Committee as to the admission of such cases into suitable institutions or houses.

The alterations made in the Lunacy Act are designated as follows:—

Additions are made in *italic* print, and words deleted are printed within square brackets.

As to the procedure with regard to Reception Orders on Petition, relating to mentally defective persons coming within any of the classes defined in Recommendation IV., *see* Recommendation LXVIII. above, and as to the procedure in regard to persons under 21 coming within classes (3) to (9) of Recommendation IV. without the intervention of a "judicial authority," *see* Recommendation LII. above.]

Lunacy Act, 1890, Section 11 —

Urgency orders.

URGENCY ORDERS.

11.—(1.) **In cases of urgency where it is expedient, either for the welfare of a person [not a pauper] alleged to be a [lunatic]** *mentally defective person,* **or for the public safety, that the alleged [lunatic]** *mentally defective person,* **should be forthwith placed under care and treatment, he may be received and detained in an institution** *or house* **for [lunatics]** *mentally defective persons, or in a receiving house or reception ward,* **or as a single patient upon an urgency order, made (if possible) by the husband or wife or by a relative of the alleged [lunatic]** *mentally defective person,* **accompanied by one medical certificate.**

(2.) An urgency order may be signed before or after the medical certificate.

(3.) If an urgency order is not signed by the husband or wife or by a relative of the alleged [lunatic] *mentally defective person,* **the order shall contain a statement of the reasons why the same is not so signed and of the connexion with the alleged [lunatic]** *mentally defective person,* **of the person signing the order, and the circumstances under which he signs the same.**

(4.) No person shall sign an urgency order unless he is at least twenty-one years of age and has within two days before the date of the order personally seen the alleged [lunatic] *mentally defective person.*

(5.) An urgency order may be made as well after as before a petition for a reception order has been presented. An urgency order, if made before a petition has been presented shall be referred to in the petition, and if made after the petition has been presented, a copy thereof shall forthwith be sent by the petitioner to the judicial authority to whom the petition has been presented.

(6.) An urgency order shall remain in force for seven days from its date; or if a petition for a reception order is pending, then until the petition is finally disposed of.

(7.) An urgency order shall have subjoined or annexed thereto a statement of particulars.

(8.) Notwithstanding anything contained in this section the Committee of any Council of a County or County Borough for the care of the mentally defective may authorise its medical officer or one of its medical officers to make an urgency order as next friend of the alleged mentally defective person in any case where it deems it advisable so to do, either at the request of the relatives or in consequence of any failure on the part of any husband, wife or other relative of the alleged mentally defective person so to make an urgency order and when the Committee is advised by its medical officer or one of its medical officers that such urgency order ought to be made.

RECOMMENDATION LXXI.—(*cont.*)

[Lunatics] *mentally defective persons* so found by inquisition.

Lunacy Act, 1890, Section 12 :—

RECEPTION AFTER INQUISITION.

12. A [lunatic] *mentally defective person* so found by inquisition may be received in an institution *or house* for [lunatics] *mentally defective persons* or as a single patient upon an order signed by the committee of the person of the [lunatic] *mentally defective person* and having annexed thereto an office copy of the order appointing the committee, or if no such committee has been appointed, upon an order signed by a [Master] *Legal Commissioner or a Judge of the High Court.*

Lunacy Act, 1890, Section 13 :—

SUMMARY RECEPTION ORDERS.

[Lunatics] *mentally defective persons* not under proper care and control or cruelly treated or neglected.

13.—(1.) Every constable, relieving officer, and overseer of a parish *or medical officer of a union or representative of the Committee of any Council of a County or County Borough for the care of the mentally defective* who has knowledge that any person within the district or parish of the constable, relieving officer, or overseer *or medical officer of a Poor Law parish or Union, or the Committee* who is [not a pauper and] not wandering at large, is deemed to be a [lunatic] *mentally defective person* and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, shall within three days after obtaining such knowledge give information thereof upon oath to a justice being a judicial authority under this Act.

(2.) Any such justice, upon information on oath of any person whomsoever, that a person [*within the limits of his jurisdiction] [not a pauper and] not wandering at large, is deemed to be a [lunatic] *mentally defective person* and is not under proper care and control, or is cruelly treated or neglected as aforesaid, may himself visit the alleged [lunatic] *mentally defective person*, and shall, whether making such visit or not, direct and authorise [any two medical practitioners whom he thinks fit] *the Medical Officer, or one of the Medical Officers of the Committee of the Council of the County or County Borough for the care of the mentally defective, or a certifying medical practitioner;* to visit and examine the alleged [lunatic] *mentally defective person*, and to certify [their] *his* opinion as to his mental state, and the justice shall proceed in the same manner so far as possible, and have as to the alleged [lunatic] *mentally defective person* the same powers as if a petition for a reception order had been presented by the person by whom the information with regard to the alleged [lunatic] *mentally defective person* has been sworn.

(3.) If upon the certificate of the medical [practitioners] *practitioner* who [examine] *examines* the alleged [lunatic] *mentally defective person*, or after such other and further inquiry as the justice thinks necessary, he is satisfied that the alleged [lunatic] *mentally defective person* is a [lunatic] *mentally defective person*, and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him and that he is a proper person to be taken charge of and detained under care and treatment, the justice may, by order, direct the [lunatic] *mentally defective person* to be received and detained in any Institution [for lunatics] *Receiving House or Reception Ward, home or house for mentally defective persons* [to which, if a pauper, he might be sent under this Act], *for not more than fourteen days*, and the constable, relieving officer, or overseer *Medical Officer of a Union, or representative of the Committee* upon whose information the order has been made, or any constable whom the justice may require so to do, shall forthwith convey the [lunatic] *mentally defective person* to the Institution, *home or house or to the Receiving House or Ward* named in the order, *and the Medical Officer of the Committee of the County or County Borough for the care of the mentally defective shall, within the said fourteen days, ascertain to what Institution or house the mentally defective person may most suitably be admitted, and shall, with the approval of the Committee, have him admitted to that Institution or house.*

Lunacy Act, 1890, Section 14 :—

NOTE.—This is probably unnecessary in view of other alterations.

[Notice to be given of pauper lunatic who ought to be sent to an asylum.]

14.—(1.) Every medical officer of a union who has knowledge that a pauper resident within the district of the officer is or is deemed to be a lunatic and a proper person to be sent to an asylum, shall, within three days after obtaining such knowledge, give notice thereof in writing to the relieving officer of the district, or, if there is no such officer, to an overseer of the parish where the pauper resides.

(2.) Every relieving officer and every overseer of a parish of which there is no relieving officer, who respectively have knowledge, either by notice from a medical officer or otherwise, that any pauper resident within the district or parish of the relieving officer or overseer is deemed to be a lunatic, shall, within three days after obtaining such knowledge, give notice thereof to a justice having jurisdiction in the place where the pauper resides.

(3.) A justice, upon receiving such notice, shall by order require the relieving officer or overseer giving the notice, to bring the alleged lunatic before him or some other justice having jurisdiction in the place where the pauper resides at such time and place within three days from the time of the notice to the justice as shall be appointed by the order.

* Section 13, Subsection 2, from "within" to "jurisdiction" was repealed by the Lunacy Act, 1891, Schedule.

RECOMMENDATION LXXI.—(*cont.*)

Lunacy Act, 1890, Section 15 and 16.—

[Lunatic] *mentally defective person* wandering at large to be brought before a justice.

15.—(1.) Every constable and relieving officer and every overseer of a parish who has knowledge that any person [whether a pauper or not] wandering at large within the district or parish of the constable, relieving officer, or overseer is deemed to be a [lunatic] *mentally defective person*, shall immediately apprehend and take the alleged [lunatic] *mentally defective person*, or cause him to be apprehended and taken before a justice.

(2.) Any justice, upon the information upon oath of any person that a person wandering at large within the limits of his jurisdiction is deemed to be a [lunatic] *mentally defective person* may by order require a constable, relieving officer or overseer of the district or parish where the alleged [lunatic] *mentally defective person* is, to apprehend him, and bring him before the justice making the order, or any justice having jurisdiction where the alleged [lunatic] *mentally defective person* is.

[Lunatic] *mentally defective person wandering at large* brought before a justice may be sent to *Receiving House*, institution, *or house* for [lunatics] *mentally defective persons.*

16.—The justice before whom [a pauper alleged to be a lunatic or] an alleged [lunatic] *mentally defective person* wandering at large is brought under this Act shall call in a medical practitioner, and shall examine the alleged [lunatic], *mentally defective person* and make such inquiries as he thinks advisable, and if upon such examination or other proof the justice is satisfied [in the first mentioned case that the alleged lunatic is a lunatic and a proper person to be detained, and in the secondly-mentioned case], that the alleged [lunatic] *mentally defective person* is a [lunatic] *mentally defective person*, and was wandering at large, and is a proper person to be detained, and if [in each of the foregoing cases] the medical practitioner who has been called in signs a medical certificate with regard to the [lunatic] *mentally defective person* the justice may by order direct the [lunatic] *mentally defective person* to be received and detained in the *Receiving House or Reception Ward, or other* Institution *or House* for [lunatics] *mentally defective persons* named in the order, *for not more than fourteen days*, and the relieving officer, overseer or constable who brought the [lunatic] *mentally defective person* before the justice, or [in the case of a lunatic wandering at large], any constable who may by the justice be required so to do, shall forthwith convey the [lunatic] *mentally defective person* [to such Institution] *to such Receiving House or Reception Ward, or other Institution or House for mentally defective persons, and the Medical Officer of the Committee of the County or County Borough for the care of the mentally defective shall, within the said fourteen days, ascertain to what institution or house the mentally defective person may most suitably be admitted, and shall, with the approval of the Committee, have him admitted to that institution or house.*

Lunacy Act, 1890, Section 17:—

Power to examine alleged [lunatic] *mentally defective person* at his own abode or elsewhere.

17. Where, under this Act, notice has been given to, or an information upon oath laid before a justice [that a pauper resident within the limits of his jurisdiction is deemed to be a lunatic, and a proper person to be sent to an asylum, or] that a person [whether a pauper or not] wandering at large [within the limits aforesaid] *within the limit of his jurisdiction* is deemed to be a [lunatic] *mentally defective person*, such justice may examine the alleged [lunatic] *mentally defective person* at his own house or elsewhere, and may proceed in all respects as if the alleged [lunatic] *mentally defective person* had been brought before him.

Lunacy Act, 1890, Section 18:—

NOTE—This will probably be unnecessary owing to other alterations.

[When lunatic may be treated as a pauper.]

18. A justice shall not sign an order for the reception of a person as a pauper lunatic into an institution for lunatics, or workhouse, unless he is satisfied that the alleged pauper is either in receipt of relief, or in such circumstances as to require relief for his proper care. If it appears by the order that the justice is so satisfied, the lunatic shall be deemed to be a pauper chargeable to the union, county, or borough properly liable for his relief. A person who is visited by a medical officer of the union, at the expense of the union, is, for the purposes of this section, to be deemed in receipt of relief.

Lunacy Act, 1890, Section 19:—

Suspension of removal under reception order.

19.—(1.) A justice making an order for the reception of a [lunatic] *mentally defective person* otherwise than upon petition, in this Act called a "summary reception order," may suspend the execution of the order for such period not exceeding fourteen days as he thinks fit, and in the meantime may give such directions or make such arrangements for the proper care and control of the [lunatic] *mentally defective person* as he considers proper.

(2.) If a medical practitioner who examines a [lunatic] *mentally defective person* as to whom a summary reception order has been made, certifies in writing that the [lunatic] *mentally defective person* is not in a fit state to be removed, the removal shall be suspended until the same or some other medical practitioner certifies in writing that the [lunatic] *mentally defective person* is fit to be removed, and every medical practitioner who has certified that the [lunatic] *mentally defective person* is not in a fit state to be removed shall, as soon as in his judgment the [lunatic] *mentally defective person* is in a fit state to be removed, be bound to certify accordingly.

RECOMMENDATION LXXI—(*cont*). Removal of [lunatic] *mentally defective person* to [workhouse] *Receiving House or Reception Ward* in urgent cases.

Lunacy Act, 1890, Section 20:—

20. If a constable, relieving officer, or overseer is satisfied that it is necessary for the public safety or the welfare of an alleged [lunatic] *mentally defective person* with regard to whom it is his duty to take any proceedings under this Act, that the alleged [lunatic] *mentally defective person* should, before any such proceedings can be taken, be placed under care and control, the constable, relieving officer or overseer may remove the alleged [lunatic] *mentally defective person* to the [workhouse of the union in which the alleged lunatic is] *receiving house or reception ward*, and the master of the [workhouse] *receiving house or reception ward* shall [unless there is no proper accommodation in the workhouse for the alleged lunatic] receive and relieve, and detain the alleged [lunatic] *mentally defective person* therein, but no person shall be so detained more than three days, and before the expiration of that time, the constable, relieving officer, or overseer shall take such proceedings with regard to the alleged [lunatic] *mentally defective person* as are required by this Act.

Temporary removal of [lunatic] *mentally defective person* to [workhouse] *Receiving House or Reception Ward* under order of justice.

Lunacy Act, 1890, Section 21:—

21.—(1.) In any case where a summary reception order might be made, any justice, if satisfied that it is expedient for the welfare of the [lunatic] *mentally defective person*, or for the public safety, that the [lunatic] *mentally defective person* should forthwith be placed under care and control, and if it appears to him that there is proper accommodation for the [lunatic] *mentally defective person* in the [workhouse] *receiving house or reception ward* [of the union in which the lunatic is], may make an order for taking the [lunatic] *mentally defective person* to and receiving him in that [workhouse] *receiving house or reception ward.*

(2.) In any case where a summary reception order has been made, an order under this section may be made to provide for the detention of the [lunatic] *mentally defective person* until he can be removed.

(3.) An order under this section shall not authorise the detention of a [lunatic] *mentally defective person* in a [workhouse] *receiving house or reception ward* for more than fourteen days, after which period such detention shall not be lawful, except in accordance with the provisions of this Act as to the detention of [lunatics] *mentally defective persons* in [workhouses] *receiving houses or reception wards.*

(4.) An order under this section may be made by any justice having jurisdiction in the place where the [lunatic] *mentally defective person* is.

Lunacy Act, 1899, Section 23:—

RECEPTION ORDER BY TWO COMMISSIONERS.

Commissioners may send [pauper] [lunatic] *mentally defective person* to an institution *or house* for [lunatics] *mentally defective persons.*

23.—(1.) [Any two or more Commissioners may visit a pauper lunatic or alleged lunatic not in an institution for lunatics, or workhouse, and may, if they think fit call in a medical practitioner.]

(*1*) "*Any two or more Commissioners may visit a mentally defective person who is in a house or institution, not registered as an institution for the care and maintenance of such persons, or any mentally defective or alleged sane epileptic in a registered institution or house for epileptics, and may, if they think fit, call in a medical practitioner.*

(2.) If the medical practitioner signs a medical certificate with regard to the [lunatic] *mentally defective person*, and the Commissioners are satisfied that the [pauper] *person* is a [lunatic] *mentally defective person*, and a proper person to be detained, they may by order direct the [lunatic] *mentally defective person* to be received in an institution *or house* for [lunatics] *mentally defective persons or a Receiving House or Reception Ward*, and the relieving officer of the district or any constable who may by them be required so to do shall forthwith convey the [lunatic] *mentally defective person* to such institution *or house for mentally defective persons or to a Receiving House or Reception Ward.*

(*3.*) *The said Commissioners in such cases shall communicate with the Medical Officer of the Committee of the County or County Borough Council, or one of the Medical Officers of the Committee, or a certifying medical practitioner, and it shall be the duty of that officer to arrange for the reception of the mentally defective person in an Institution or house, or Receiving House, or Reception Ward, registered as suitable for the admission of such persons within the County or County Borough.*

N.B.—Secs. 24 to 27. These sections, which apply to "workhouses," are unnecessary in view of other alterations.

E.—EDUCATION AND TRAINING.

(Recommendations LXXII. to LXXXVI.)

Amendment of the Elementary Education (Defective and Epileptic Children) Act, 1899.

RECOMMENDATION LXXII.

That the Elementary Education (Defective and Epileptic Children) Act 1899, be amended so that the provisions of that Act shall no longer apply to mentally defective children or to epileptic children so afflicted by severe epilepsy as to be unfit to attend ordinary Public Elementary Schools.

See paragraphs 315, 346, 367–368, above.

Statutory provisions required for giving effect to Recommendations LXXII. to LXXXVI.

RECOMMENDATION LXXIII.

That the proposed new Act for the care and control of the mentally defective should contain the necessary provisions to give statutory effect to the suggestions contained in Recommendations LXXII. to LXXXVI., and to apply the same as far as may be necessary to cases coming under Recommendation XC.

RECOMMENDATION LXXIV.

See Chapter XVII. above.

That the County Council or County Borough Council, as the case may be, acting through its Committee for the care of the mentally defective, be under statutory obligation to provide for the manual and industrial and other training of all mentally defective children who come under Classes (3) to (9) inclusive, in Recommendation IV., except such children who have not otherwise been properly and suitably provided for.

The Committee for the care of the mentally defective to be responsible for training of mentally defective children.

RECOMMENDATION LXXV.

See paragraph 367.

That the Local Education Authorities place at the disposal of the Medical Officer of the Committee the register and roll of children who are of age to attend school, and notify to him any cases of children of that age who are thought to be mentally defective, as defined in Recommendation IV., and that the Medical Officer of the Committee, or one of the Medical Officers of the Committee, after consultation with the Medical Officer of the Local Education Authority, report all such cases to the Committee with a view to action being taken under Recommendations XLIX. or LI.

Local Education Authority to submit attendance register of children and notify mental defectives to Medical Officer of the Committee.

RECOMMENDATION LXXVI.

That the Committee, in making their arrangements under the above Recommendation, shall provide facilities for enabling any parent who is of opinion that his child ought to be dealt with under the proposed Act to present such child to the Medical Officer of the Committee, or one of the Medical Officers of the Committee, or a certifying Medical Practitioner, to be examined, although he may not have been required so to do by the Committee, and any Committee failing to provide such facilities shall be deemed to have acted in contravention of the proposed Act.

Examination of alleged mentally defective child by Medical Officer of Committee.

RECOMMENDATION LXXVII.

That the Medical Officer of the Committee, or one of the Medical Officers of the Committee, or a certifying Medical Practitioner, if he is of opinion that any such child is mentally defective as defined in Recommendation IV., shall report to the Committee to that effect.

Report of Medical Officer of the Committee.

RECOMMENDATION LXXVIII.

That it shall be the duty of the parent of any child who may be required by the Medical Officer of the Committee to attend for the purpose of examination, to cause such child to attend with that object, and any parent who fails to comply with such requirement shall be liable, on summary conviction, to a fine not exceeding five pounds.

Duty of parent to cause child to attend medical examination.

RECOMMENDATION LXXIX.

See paragraph 315.

That where a school authority has made provision for the education of mentally defective children under the Elementary Education (Defective and Epileptic Children) Act, 1899, by special classes in public elementary schools or by boarding out or by establishing schools:—

(1) the classes or schools or the arrangements for boarding out children shall pass under the control of the Board of Control and shall not remain under the control of the Board of Education.

(2) the school authority shall be under statutory obligation in the case of special schools or classes previously certified by the Board of Education to contract with the Committee for the education of such mentally defective children as the Committee may deem it advisable to educate in that manner.

School Authority to be under statutory obligation to contract with the committee as to existing special schools or classes.

RECOMMENDATION LXXIX.—(*cont.*)

(3) the school authority shall be under statutory obligation in the case of mentally defective children boarded-out subject to the regulations of the Board of Education, to transfer to the Committee any contracts that they may have entered into in regard to such children.

(4) the school authority shall be under statutory obligation in the case of schools established for mentally defective children and previously certified by the Board of Education, if the Committee so desire, to transfer such schools to the Committee at a price to be agreed upon, or failing that by arbitration, or to contract with the Committee for the education of mentally defective children in these schools, and to carry on the schools in order to fulfil the terms of the contract made with them.

RECOMMENDATION LXXX.

The committee to pay for children admitted as mentally defective in special schools or classes already established.

That in regard to special schools or classes now in existence under the Elementary Education (Defective and Epileptic Children) Act, 1899, the children admitted to those classes as mentally defective be paid for by the County Council or County Borough Council through the Committee for the care of the mentally defective.

RECOMMENDATION LXXXI.

Establishment of new special schools or classes, institutions or homes.

That, subject to the approval and regulations of the Board of Control, special schools or classes, and institutions or homes, residential or other, necessary for the education of the mentally defective may hereafter be established either by the Committee for the care of the mentally defective or by the Local Education Authority at the request of the said Committee, and the Committee shall have full power to transfer children from schools or classes to institutions or homes, or *vice versa*, as in the interests of the children they think necessary, or to board out children, if necessary, near a special school or class.

RECOMMENDATION LXXXII.

The committee to pay for children kept for observation purposes in existing or future special schools or classes, institutions or homes.

That children, in regard to whom it is a matter of uncertainty whether they are mentally defective or not, may be placed on a special probationary list and retained for such period as may be considered necessary in a special class, school, institution or home for the mentally defective for purposes of observation, until it is decided whether such children should be adjudged mentally defective or merely dull and backward; and that the cost of their maintenance while under probation in such class or school, institution or home, be paid for by the County Council or County Borough Council through the Committee for the care of the mentally defective.

See paragraphs 313-315 above.

RECOMMENDATION LXXXIII.

Periodical examination of children in special schools and classes.

That the Committee shall arrange for the frequent and periodic examination of the mentally defective children in special schools or classes, with a view to determining whether they should continue in such classes, or whether their education should be otherwise provided for.

RECOMMENDATION LXXXIV.

Transfer of a child no longer mentally defective from care of the Committee to the care of the Local Education Authority.

That in the case of any child of school age who has been dealt with by the Committee as mentally defective, it shall be the duty of the Medical Officer, at any time, if the child, in his opinion, is not mentally defective, to report the case to the Local Education Authority, on whom the education of the child will from that date *ipso facto* devolve.

RECOMMENDATION LXXXV.

Duty of parents to provide for education, instruction or training of mentally defective child.

That the duty of a parent under Section 4 of the Elementary Education Act, 1876, to provide elementary instruction for his child shall, in the case of any child coming within classes 3 to 9 of Recommendation IV., include the duty to cause the child to attend a class or school, or to reside in any home or institution for the instruction or training of the mentally defective, from and up to such age as in the interest of the child may, on the report of their Medical Officer or one of their Medical Officers, seem necessary to the Committee, whether this instruction or training be provided by the Local Education Authority in contract with the Committee or by the Committee itself; and a parent shall not be excused from this duty by reason that a guide or conveyance is necessary.

RECOMMENDATION LXXXVI.

Guides or conveyances may be provided.

That in the case of children who, in the opinion of the Committee, cannot be trained suitably except at a special school or class, the Committee shall provide guides or conveyances if, in the judgment of the Committee and its Medical Officer or one of its Medical Officers or of a certifying medical practitioner, the children without this provision would be unable to attend the school or class in question.

F.—CRIMINAL MENTALLY DEFECTIVE PERSONS.

(RECOMMENDATIONS LXXXVII.-LXXXIX.)

RECOMMENDATION LXXXVII.

See paragraphs 380, 397, 406, 457-468.

Cases tried in Court. Summary Jurisdiction.

I. That in cases which may be determined summarily, and in which a court of summary jurisdiction is of opinion that the person charged is mentally defective, the court may adopt any of the following courses:—

(1) The court may remand the person charged to a receiving house or reception ward or other institution maintained or controlled by the Committee, or to the custody of an officer of the Committee, or, if in the particular case it appears necessary, to prison,

See Recommendation LXXI.

(2) The court may adjourn the hearing of the charge, pending the report of a medical officer of the Committee, and it may subsequently adjourn the case *sine die*, if on the certificate of the medical officer it makes a summary reception order for the reception of the accused person in a suitable institution which is under the committee's control.

(3) After conviction any officer or representative of the Committee, may, on their behalf, become a surety for the offender, and in that case the court may bind him over to come up for judgment at some future time, or when called upon.

RECOMMENDATION LXXXVII.—(*cont*).

(4) After conviction, the court instead of sending the offender to prison, may on the report and certification of the medical officer, or one of the medical officers of the Committee, or a certifying medical practitioner order his reception under a summary reception order in any institution that the Committee may determine, being maintained by the Committee or under its control.

Recommendation LXXI.

(5) After conviction the court, instead of sending the offender to prison, may accept recognisances from a surety or sureties on his behalf, on condition that he remains under the control of the Committee until they discharge him.

Procedure on committal for trial.

II. That in cases triable by indictment justices if satisfied that the person charged is mentally defective shall have power when committing for trial to accept recognisances on behalf of the Committee from any officer or other representative of the Committee or to order the accused to the custody of the Committee, instead of to prison, until the trial takes place.

Cases tried at Assizes and Quarter Sessions.

III. That in cases tried at assizes and quarter sessions the court shall, in regard to mentally defective persons including persons of unsound mind, have the powers referred to above in I. (3), (4), (5).

IV. That in cases tried at assizes and quarter sessions the court should be empowered to direct that the accused be submitted to examination, and if necessary, certification, notwithstanding that he has been acquitted of the offence charged, if, in the opinion of the court, it is desirable that his mental condition should be ascertained with a view to provision being made for his care.

Duty of police in cases of apparent mental defect or recurrent short sentences.

V. That in cases of apparent mental defect or recurrent short sentences which are brought before the courts, the police should be under statutory obligation to apply to the Board of Control, and to the Committee for the care of the mentally defective, for any information they may have with regard to the person charged, and to lay the same before the court.

RECOMMENDATION LXXXVIII.

Mentally defective persons under sentence or order of detention

That subject to the approval of the Secretary of State, any officer having in custody any person under sentence, or order of detention, shall at any time during detention hand over such person if certified to be mentally defective to the care of the Committee responsible for him, and it shall be the duty of the Committee to maintain that mentally defective person in a suitable institution.

RECOMMENDATION LXXXIX.

Discharge from Institutions.

That the consent of the Secretary of State for the Home Department be necessary for the discharge from any institution maintained by or under the control of the Committee of any person dealt with in accordance with the procedure proposed in Recommendations LXXXVII. and LXXXVIII.

See paragraph 406.

G.—MISCELLANEOUS.

(RECOMMENDATIONS XC. TO XCVI.)

RECOMMENDATION XC.

See Part X. above. *See* also paragraph 37.

Epileptics not mentally defective

That the Board of Control be empowered to register, inspect and report on all institutions or houses for the care of epileptics not provided for as mentally defective, and to regulate the same, if they form part of an institution for the mentally defective, and that the Committees for the care of the mentally defective be authorised to consider and deal with the cases of these epileptics and to provide for their accommodation and maintenance, care, treatment, education, training and control, and with regard to these epileptics shall have the powers referred to in Recommendations XXXII—XXXIV.(inclusive), XXXVII.—XL. (inclusive), XLIV., XLVI. and XLVII., XLIX.—LI. (inclusive), and in Recommendations from LXXV. to LXXXVI. (inclusive) so far as may be necessary.

RECOMMENDATION XCI.

See paragraphs 426–428.

The Inebriates Acts.

That as it appears that mentally defective cases to a large extent are at present dealt with under the Inebriates Acts, it is desirable that those Acts should be amended so far as may be necessary to make it clear that the Committees shall be under the obligation of dealing with such Inebriates as are mentally defective.

RECOMMENDATION XCII.

See paragraph 196 above.

Avoidance of Disabilities. Elementary Education, Defective and Epileptic Children Act, 1899, Sec. 8.

That no person shall be deprived of any franchise, right or privilege or be subject to any disability or disqualification by reason of the receipt of any assistance derived from any rate, towards the accommodation and maintenance, care, treatment, education, training and control of any member of his family whether such member be mentally defective or epileptic though not mentally defective.

RECOMMENDATION XCIII.

Contributions by parents, etc. Elementary Education (Blind Deaf Children) Act 1893. Sec. 9. Elementary Education (Defective & Epileptic Children) Act 1899. Sec. 8. Industrial Schools Act 1866, Sec. 39. Youthful Offenders Act 1901, Sec. 6 (2).

That where the Committee incur any expense in respect of any mentally defective person, the parent or guardian or other person who is liable to maintain or has the actual custody of such person shall be liable to contribute towards his expenses a weekly sum such as may be agreed upon between the Committee and the party or parties so liable, or in default of agreement, as may, on the application of the Committee or the party or parties so liable, be settled by a Court of Summary Jurisdiction, and any sum so agreed upon or settled may without prejudice to any other remedy, be recovered by the Committee as under Section 6 (2) of the Youthful Offenders Act, 1901 And that this Recommendation shall apply to any persons who are epileptic though not mentally defective.

NOTE.—The Youthful Offenders Act, 1901, Section 6, sub-sec. 2, provides that an Order may be enforced as an Order of affiliation. As to the enforcement of Orders of affiliation see section 4 of the Bastardy Laws Amendment Act, 1872, and section 54 of the Summary Jurisdiction Act, 1876. Sums due in pursuance of an Order may be recovered under warrant of distress and sale of the goods and chattels of the defaulter, and he may be ordered by the Court to be kept in safe custody until return can conveniently be made to the warrant of distress, unless he gives sufficient security for his appearance on the day for return of the distress. If no sufficient distress can be had, he may be imprisoned for not more than three months.

RECOMMENDATION XCIV.

See paragraph 851 above.

Borough Accounts relating to the Mentally Defective to be audited by Local Government Board.

That the accounts of boroughs relating to the care and control of the mentally defective, including the accounts of asylums, should be audited by the Local Government Board auditor and that the specification for tenders and the contract prices, in all institutions for the mentally defective, should be examined by the Board of Control or be investigated by the Local Government Board auditor and form part of his report to the Local Government Board.

RECOMMENDATION XCV.

Protection of Mentally Defective Persons under the existing law as to sexual crimes, etc.

That the Lord Chancellor and Secretary of State have their attention called to the Evidence before us on the subject of the protection of mentally defective persons against sexual crime and immorality, and be invited to consider whether the existing law provides adequate protection for such persons.

See paragraph 469 above.

RECOMMENDATION XCVI.

London.

That, notwithstanding any existing Statutes, the general Act for the care and control of the mentally defective should provide that in the case of the administrative County of London:—

(*a*) **The institutions of the Metropolitan Asylums Board for mentally defective persons should be transferred (on such terms, and subject to such arrangements as may be provided in the Act) to the London County Council for the use of its Statutory Committee for the care of the mentally defective, on whom the duty to make suitable and sufficient provision for the care and control of the mentally defective in the administrative County of London will, by the said Act, devolve; and that**

See paragraph 276 above.

(*b*) **All grants now payable to the Metropolitan Asylums Board and to Boards of Guardians from the Metropolitan Common Poor Fund and from the Exchequer for the maintenance of lunatics or imbeciles, and any sums in future payable from the Exchequer on account of mentally defective persons, or epileptics not mentally defective, should, after the passing of the proposed Act, be payable to the London County Council for the use of the Statutory Committee for the care of the mentally defective** (*see* **Recommendations XXVIII. to XXXIV. and XC.**)

SCOTLAND.

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ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE-MINDED.

PART XII.

SCOTLAND.

CHAPTER XLIV.

THE STATE OF MENTALLY DEFECTIVE PERSONS NOT CERTIFIED UNDER THE LUNACY LAWS.

926. In the discussion of several questions which we have been considering we have referred more particularly to the difference in the methods which are pursued in Scotland from those which are in force in England and Wales; and in Chapter XXXI. (Paragraph 633) we submitted a statement of the differences in the methods of administration in lunacy in England and Scotland. We have now to ascertain as far as may be possible, what are "the existing methods of dealing with idiots and epileptics, and with imbecile, feeble-minded or defective persons not certified under the Lunacy Laws" in Scotland; and we have to consider the sufficiency of the provision made for these classes, and the desirability of amending the laws relating to them, or of proposing other measures. Incidentally we have also to consider the constitution, jurisdiction and working of the Board of Lunacy in Scotland in reference to the subject. We propose therefore to submit in the first place a summary of the position of "persons not certified under the Lunacy Laws" and then to treat in more detail the conditions under which they are or may be cared for, trained and controlled in connection with the Poor Law, the Education Acts, the administration of the criminal law, and the Board of Lunacy. The evidence falls into two parts; that which bears upon the conditions of the country at large; and that which relates to Glasgow, with which we will deal separately.

The number of the mentally defective in Glasgow, as returned by the Medical Investigators, was 1,614, or ·26 on the population. If this figure holds good in the case of Scotland as a whole, the total mentally defective population of Scotland, excluding certified lunatics, would be 11,627. But it is obvious that such an estimate must be accepted with great reserve. The percentage of mentally defective persons on the population of the investigated areas is as follows: England and Wales, in eleven typical areas, ·46; Scotland, Glasgow only, ·26; Ireland, in four typical areas, ·57. In England and Wales and in Ireland the percentages of the mentally defective in different areas, urban and other, show considerable variations. It is impossible, therefore, to conclude that a percentage that may apply to Glasgow should apply to the whole of Scotland; but for what it is worth the figure is given.

Vol. VI., pp. 34 and 52, and paragraphs 1024 and 1025 below.

927. Of many developments of the administration of lunacy in Scotland we have expressed our strong approval—the economy and adaptability of the boarding-out system, the adoption of villa asylums and of observation wards, the certification of incipient cases, and the great utility of the Judicial Factors Act of 1880 in protecting the property of mentally defective persons. All these points represent a very significant advance. At the same time if the evidence that we have taken be considered as a whole, it must be admitted, we think, that some important changes are necessary, and that generally the question of the care of the imbecile and feeble-minded in Scotland is in need of further attention.

I.—GENERAL STATE OF THE FEEBLE-MINDED OR IMBECILE.

928. The state of the feeble-minded or imbeciles in Scotland is indeed very far from satisfactory. It is admitted by some witnesses guardedly, by others fully and absolutely, that there is a large class of persons who require care and are not certifiable under the existing law. Mr. Spence, the Secretary of the General Board of Lunacy for Scotland said: "There are unquestionably many weak-minded or abnormally constituted persons, young and old, who would never appear as imbeciles or feeble-minded in the Census Returns. The difficulty is that the less mentally defective such persons are, the greater becomes the difficulty of dealing with them under the existing lunacy or other laws, and the greater becomes the likelihood of their being a danger to the community." . . . "There are a great number of them; there are hundreds in every city that might be certified, but they are not certified."

Uncertified imbecile, feeble-minded and defective persons. Spence, Vol. III., 21145, 21146.

Uncertified imbecile, feeble-minded and defective persons—*contd.* 21142, 21143. 21188, 21189.

The Scottish Lunacy Law was not sufficient, he thought, to deal with mentally defective persons who were not at present regarded as certifiable, though under the Lunacy Acts in Scotland certification was much more easily obtained than in England, alike in the case of insanity and in that of imbecility and other forms of mental unsoundness; a new Act was required to deal with the uncertifiable cases. 21135-40.

Dr. John Macpherson, one of the Commissioners in Lunacy, referring to children, considered that if two new institutions were erected, between "800 and 1,000 children of a more or less educable type would be provided for, and the present state of matters would be greatly ameliorated or perhaps wholly mitigated." He argued in favour of "a wider recognition of insane conduct as a sign of insanity and as a basis of certification," but "unfortunately," he said, "the medical profession as a whole did not take that view of it as yet, and they refused to certify many of these cases, moral imbeciles or defectives," who are perhaps the most dangerous of any of the defectives.

John Macpherson, Vol. III. p. 31, c. 1. Vol. III. 21384, 21387-21388.

Dr. Carswell, Certifying Physician in Lunacy to the Glasgow Parish Council, said:—

Carswell, Vol. III. p. 61, c. 1.

"There exists a large class of feeble-minded persons who do not come within the scope of existing lunacy legislation, the character and degree of whose mental infirmity is not easily defined, and for whose proper control and care no satisfactory provision exists, although they are nevertheless a burden upon the community, being found in special schools, industrial schools, reformatories, poorhouses, prisons and similar institutions."

Clarkson, Vol. III. 22008-22009.

929. Dr. Clarkson, the Medical Officer of the Scottish National Institution for the Education of Imbecile Children at Larbert, said that he did not think that there were many idiots uncertified and unknown to the authorities, but there were a good many imbeciles, pretty low grade imbeciles.

Russell, Vol. III. p. 180, c. 1.

Sir James Alexander Russell, a member of the District Board of Lunacy in Edinburgh, said:—

"Unfortunately, a good many persons of unsound mind who would be the better for being certified, in their own interests and in that of the public, are in practice excluded from the benefits of the lunacy laws. This arises firstly from the existence of a restricted idea in the minds of the public and of ordinary medical practitioners as to the amount of unsoundness which justifies certification. It is common to hear an expression such as that so-and-so is insane, but not bad enough for certification: secondly, from a natural reluctance on the part of friends to formally admit the existence of insanity and so put a life-long stigma upon the patient, and thirdly from the danger of actions at law, which, although seldom successful, are always costly to the defendants.

Clouston, Vol. III. p. 201, c. 1.

Dr. Clouston, the Physician Superintendent of the Royal Edinburgh Asylum, says of the feeble-minded who have been sent to the asylum, especially the young women, as certified patients, that "through conversation with the patients themselves and through the inquiries by nurses and the information supplied by parents and relatives, and from bodily indications where they have had children, I have come to the conclusion that such persons in a large city are subject to overwhelming temptations and pressure towards sexual immorality."

"I am strongly of opinion that a proper care of feeble-minded girls would appreciably diminish the immorality, especially of our large cities, and would cut off one of the supplies of future imbeciles and criminals. During my long experience, I have now seen many cases of the grandchildren of imbeciles who were themselves insane or epileptics."

Allan, Vol. III. 25054.

930. Mr. R. S. Allan, the Chairman of the School Board for Glasgow, said he was "afraid that his evidence did not quite agree with some evidence that the Commission had received as to the actual danger. The girls, he believed, were exposed to the very greatest danger, and a great deal of care was necessary to prevent their going wrong."

Fyfe, Vol. III, p. 235, c. 2, 24725.

Mr. T. A. Fyfe, Sheriff-substitute of Lanarkshire, thought "that in the interest of the community as a whole, it was necessary that the liberty of the subject should be interfered with drastically, in the case of imbeciles, habitual inebriates, confirmed adult criminals, and the like. In the case of young persons of feeble-mind, the present state of the law was weak. I agree with those who think that feeble-mindedness even short of insanity should be certifiable, in the same way as scarlet fever or any other infectious disease, and then the local authority should have power to deal with the patient in the general interest if the patient is not able to be treated satisfactorily at home."

Sutherland, Vol. III, 24818, 24825.

931. Dr. Sutherland, Deputy Commissioner in Lunacy for Scotland, supported Dr. Clouston's general conclusion. He said: "The imbecile woman who is certified is perfectly well protected, but a great many feeble-minded women who are not certified are not protected"; and in support of this view he submitted statements regarding eight or nine parishes, giving the histories of certain feeble-minded women and their offspring.

Mr. Motion, the Inspector of Poor to the Parish of Glasgow, and Clerk and Treasurer to the Lunacy District Board, dealing with the question from the point of view of the Poor Law, laid stress on the large number of persons who went repeatedly into and out of the Poorhouse, who though "not directly certifiable as feeble-minded . . . should be compulsorily detained in poorhouses or labour colonies." "Some were habitual drunkards, a feeble-minded and most degraded part of the population"; in his judgment "they were 90 or 95 per cent. of them mentally defective." Uncertified imbecile, feeble-minded and defective persons. —*contd.* Motion, Vol. III. p. 52, c. 2., p. 54, c. 2, 21[illegible] c

Mr. Barclay, the General Superintendent of Poorhouses for the Local Government Board for Scotland, said that his experience led him to conclude that the class of women who came to the poorhouses with more than one illegitimate child were generally of feeble-mind. Barclay, Vol. III., p. 164, c. 1.

932. Of the constant recurrence of short sentences in the case of feeble-minded adults and young persons and its inutility much information was submitted to us.

933. These few notes and extracts suggest that in Scotland the general condition of imbecile, feeble-minded, and defective persons not certified under the Lunacy Laws is not materially different from that which prevails in England and Wales.

We have now to enter on the subject in more detail.

II.—The Poor Law and the Mentally Defective.

934. The relation of the Poor Law authorities to the Board of Lunacy in Scotland differs from that which exists between the corresponding bodies in England. Hence, before we discuss the question of the Poor Law, it is necessary to explain shortly what are the constitution and duties of the Board of Lunacy.

935. The General Board of Commissioners in Lunacy consists of a Chairman, who is unpaid, two unpaid legal Commissioners, and two paid medical Commissioners. There are also two medical Deputy-Commissioners who are not members of the Board. The medical Commissioners are required to visit all establishments for the insane twice in a year, and to report to the Board on them, and on the care and condition of the patients. The duties of the Deputy-Commissioners consist chiefly of visiting and reporting to the Board on all persons of unsound mind under private care who come for any reason under the notice or jurisdiction of the Board. The General Board of Lunacy. Spence, Vol. III. p. 8, c. 2.

936. There are Royal asylums, district asylums, private asylums and parochial asylums and licensed wards of poorhouses. Classes of Asylums. Spence, Vol. III., p. 9, c. 1.

The Royal asylums are primarily charitable foundations. "The Board of Lunacy have no power to make rules and regulations for their good order and management, except in relation to books, and minutes, and returns, and entries therefrom"; but the medical Commissioners visit, inspect, and report on them. There are seven of these "hospitals," as they would be called in the English Lunacy Acts, four of which receive pauper patients on payment.

937. The district asylums are erected or acquired and managed by district Boards of Lunacy. The General Board of Lunacy have power to make rules and regulations for them, subject to the approval of the Secretary for Scotland. These asylums, when they have spare accommodation, may with the sanction of the Board receive private patients. Such patients are to have the same accommodation in all respects as pauper lunatics. Sites, plans, specifications and estimates for these asylums and for all subsequent additions and alterations must receive the sanction of the Board; no other sanction is necessary. Vol. III., p. 9, c. 1. p. 13, c. 1

938. Private asylums correspond generally to licensed houses in England, There are three of them, of which two are very small.

939. Parochial asylums are "asylums erected and managed by parish councils." There are only three such asylums and the Board of Lunacy have no power to license any new establishment upon that footing. "They receive Vol. III., p. 9, c. 1.

Classes of Asylums.—*contd.*

patients labouring under all forms and degrees of insanity, and patients are admitted to them on the order of the Sheriff and under the same procedure as is followed in the case of other asylums." Thus these "parochial asylums" are also called "lunatic wards of poorhouses, with unrestricted licenses."

Spence, Vol. III., p. 10, c. 2.
Lunacy (Scotland) Act 1862, 25 and 26 Vict. c. 54, Sec. 3.

940. Licensed lunatic wards of poorhouses are those wards or parts of a poorhouse which have been sanctioned by the Board for the reception and the detention of pauper lunatics. Thus these licensed wards are also called "lunatic wards of Poorhouses with restricted licences." Such patients must be certified as "of unsound mind" and "incapable of deriving benefit from treatment in an asylum," but not "dangerous"; and there are other conditions of certification.

941. Besides these asylums there are institutions for the care and training of imbecile children. These are charitable institutions licensed by the Board under the Lunacy Amendment Act of 1862.

Lunacy (Scotland) Act 1862, Secs. 1 & 3.
Spence, Vol. III., p. 10, c. 2.

942. A pauper lunatic means and includes any lunatic towards the expenses of whose maintenance any allowance is given or made by any parish council.

"The licences for wards in poorhouses are given for the reception only of pauper lunatics who are not dangerous and do not require curative treatment in accordance with "Rules and Conditions" on which such wards are licensed, drawn up by the Board and approved of by the Secretary for Scotland. These conditions require that the accommodation for lunatics must be entirely separate and distinct from that occupied by ordinary paupers, and that separate grounds must be provided. They further deal with the medical supervision of such wards, the attendance required, the dietary of the inmates, and generally with all that concerns the good order and management of the establishment. The licence may be withdrawn if the requirements of the Board are not attended to. The wards are under the management of the Poorhouse Committee, and the governor of the poorhouse is in the position of superintendent. The Board do not require a resident medical officer unless the number for which the wards are licensed exceeds one hundred, which is the case at present only in two instances. The Board require that sufficient land be attached to the wards to secure healthy outdoor occupation. They require the same statutory and other forms of registers and books to be kept in such wards, and notices of entries in them to be transmitted to the Board, as in the case of other establishments for the insane."

943. There is thus provision for pauper lunatics to some extent in the Royal asylums, and to a large extent in the district asylums and in the licensed wards of poorhouses. Many are boarded out. The general distribution of these pauper lunatics is shown in a Return which has been forwarded to the Commission. On the 1st January, 1908, the pauper patients numbered in all 15,226; 1,703 were in Royal asylums, 9,186 in district asylums, 568 in parochial asylums, *i.e.*, lunatic wards of poorhouses with unrestricted licences, and 743 were in the "lunatic wards of poorhouses with restricted licences." Of the remainder, 2,780 were "boarded-out" in private dwellings, 246 were in training schools. The private patients who were lunatics numbered 2,632. In the criminal lunatic department of the Perth prison there were 49 patients. The total number of lunatics in Scotland was 17,907—8,735 males, and 9,172 females.

Appendix to Vol. III., p. 328d.

District Boards of Lunacy.

Lunacy Districts (Scotland) Act, 1887, 50 and 51, Vict. 39, and Lunacy (Scotland) Act, 1857, Secs. 49 to 53.
Local Government (Scotland) Act, 1894, Sec. 22.
Prisons (Scotland) Act, 1877, Secs. 61 and 62.
Spence, Vol. III. p. 8, c. 2.

944. It is the chief duty of the District Boards of Lunacy, as we have said, to erect or acquire and maintain district asylums. In the principal towns a lunacy district consists of a single parish, and the parish council—a popularly elected body—is constituted the District Board of Lunacy, and "in that capacity performs functions entirely separate and in many respects of a different nature from those performed by the same body under the Poor Law." Elsewhere the area of the District Board consists of groups of counties or single counties, or parts of counties; and the board is "elected by the county council, or county councils of the county or group of counties comprising the district, and by the magistrates of burghs within such county or counties." Under Sec. 22 of the Local Government (Scotland) Act, 1894, the parish council exercises all the powers and duties which formerly devolved upon parochial boards. The first of these is the administration of the Poor Law Acts; the second the administration of the Lunacy Acts in so far as they relate to paupers. In the large towns therefore we have a single elected body which as a District Board provides and manages the necessary asylum accommodation and as a parish council maintains all persons who are certified as "lunatic," being lunatic or insane or idiot or of unsound mind, at district asylums or elsewhere or by boarding

Spence, Vol. III. p. 12, c. 1, Sutherland, Vol. III. 24808, 24809.

out. On the other hand, when the parish council is a separate body from the District Board of Lunacy—that is, everywhere except in the large towns—the severance between the two bodies is complete. The parish councils in the district "find the patients and provide the maintenance" and settle who should be "boarded-out"; and the District Boards of Lunacy simply maintain and manage the district asylums without having any concern in those who are admitted or discharged.

District Boards of Lunacy—*contd.*

945. For the admission of a patient to an asylum, two medical certificates are necessary, and the order of the sheriff, or rather of the sheriff-substitute, who "occupies a position corresponding more or less to that of a county court judge in England."

Admission and reception in asylums, poor-houses, and private dwellings.

"Patients are admitted to lunatic wards of poorhouses upon papers in a prescribed form consisting of an application by the inspector of poor, a statement by the inspector of poor of facts similar to those given in the case of patients admitted to asylums, a statement by the medical officer of the parish, or establishment from which the patient has been removed, giving such particulars with regard to the patient's mental and bodily state, conduct, and habits, as throw light upon the question of his fitness for such wards, and a medical certificate which must certify that the patient is 'of unsound mind,' and, further, that he 'is not dangerous, is incapable of deriving benefit from treatment in an asylum, has no habits or infirmities which render care difficult, and is in a sufficiently good state of bodily health to be removed to the lunatic wards' named in the application.

Spence, Vol. III. p. 8, c. 1, p. 9, c. 2, p. 11, c. 1. Lunacy (Scotland) Act 1862 25 and 26, Vict. c. 54, Secs. 3, 8, and 14. Section 5.

"If the Board are satisfied with the facts stated in the papers laid before them, sanction to the patient's reception is appended upon a simple form.

"If the patient, when removal to such wards is proposed, is not an already certified lunatic, a second medical certificate is required. The great majority of the patients received into such wards are, however, removed to them from asylums, or from private houses where they have been residing as certified patients under sanction of the Board."

To admit to the lunatic ward of a poorhouse, that is, a ward "with a restricted licence," no order of the sheriff is required.

946. The Board also sanctions the reception and detention of patients in private dwellings. Occupiers of houses may be licensed for the reception of patients not exceeding four in number; and "the Board, in the case of a lunatic who is a pauper, on the application of the inspector of the poor of the parish liable at the time for the maintenance or *interim* maintenance of such lunatic, or in any other case, on the application of anyone legally entitled to make the same, accompanied by medical certificates . . . may sanction the reception and detention of such lunatic in any house so specially licensed. . . ."

Lunacy (Scotland) Act 1862, Sec. 5.

947. There are no Committees of District Lunacy Boards like the Visiting Committees of the councils of counties or county boroughs in England, though there is a power to appoint such Committees and in some degree the Boards perform similar duties. They erect and maintain asylums, and they supervise them generally; but they have no powers in regard to the admission or discharge of patients. The authority for the discharge of patients from asylums is thus stated by Mr. Spence, the Secretary to the General Board of Lunacy:—

Discharges.

Spence, Vol. III. 21179, 20917, etc,

"Persons in asylums, who have in the opinion of the medical officer recovered their sanity, are in the position of persons who are not lunatics, and they must accordingly be discharged on the authority of the Superintendent. There is, however, no distinct provision in the Scottish Lunacy Acts with regard to the discharge of recovered patients, as Section 17 of the Amendment Act of 1862 deals rather with the case of patients who, though 'so far recovered,' are still more or less insane. But the Order of the Sheriff committing insane persons to asylums as dangerous lunatics under Section 15 of the Amendment Act of 1862 states that they are to be detained only 'until cured,' or, if still insane, not to be discharged until certain prescribed formalities have been gone through.

Spence, Vol. III. p. 10. c. 1.

25 & 26 Vict., c. 54, S. 17.

25 & 26 Vict., c. 54, S. 15.

"The ordinary authority for the discharge of an unrecovered private patient is the person at whose instance he is detained, or, in the absence of such person, his nearest known relative. This is not specially provided for in the Act, but may be inferred from the terms of certain provisions for their discharge other than at the instance of such persons, and for their transfer to other asylums.

20 & 21 Vic , c. 71, S. 92.

25 & 26 Vict., c. 54, S. 16-17.

"If the discharge is desired of a private patient not detained as a dangerous lunatic, but who is in the opinion of the Superintendent dangerous, the Superintendent must communicate the fact to the Procurator-Fiscal; but if the Procurator-Fiscal does not see cause to proceed against the patient as a dangerous lunatic, he must be discharged if otherwise entitled to discharge."

29 & 30 Vict., c. 51, S. 12.

Discharges—*contd.*

Spence, Vol. III. p. 10. c. 1 and c. 2, and p. 11. c. 2. Lunacy (Scotland) Act, 1866, Secs. 9 and 11.

The usual authority for the discharge of an unrecovered pauper patient is a minute of the parish council of the parish chargeable with his maintenance, but if, in the opinion of the superintendent, the patient is unfit to be discharged, he may appeal to the Board of Lunacy, who will then decide. Unrecovered patients are transferred from one asylum to another, or from an asylum to the lunacy ward of a poorhouse, or to the care of a guardian in a private dwelling by the order of the parish council of the parish by which they are maintained, subject to the approval of the Board; but without the order of the sheriff they cannot be transferred from a poorhouse ward to an asylum. Patients in private

Charles Macpherson, Vol. III. p. 45. c. 2.

dwellings, in addition to the inspection of the General Board, are under the supervision of the parish medical officer, who visits them once in every three months, and of the inspector of the poor, who visits them at least twice a year. The whole system for the care of lunatics is thus at the present time involved in the administration of the Poor Law of the country, and in the chief towns

Motion, Vol. III, p. 51. c. 1.

the parish councillors in one capacity or another, as administrators of poor relief, or as administrators of institutions for lunacy, provide for lunatics as an asylum authority, and pay for them as a parish council. It is under these principal conditions that we have to consider lunacy administration in Scotland in relation to the Poor Law.

Mentally Defective persons in poorhouses.

948. In Scotland on admission to a poorhouse an order from the inspector of poor is necessary, and a certificate of the medical officer. This certificate requires the medical officer to state whether "the applicant or any dependant is 'lunatic, insane, idiot or of unsound mind;'" "and it is pointed out on the

Barclay, Vol. III. p. 163. c. 1 and 2.

certificate that 'no person so described can be legally sent to or received in a poorhouse, unless it possesses lunatic wards, and then only with the sanction of the General Board of Lunacy.'" The relation of the Poor Law to the Board of Lunacy is in this way also very unlike the relation between the Poor Law

Cf. paragraph 104, p. 30.

and the Lunacy Commission in England. In England the ordinary admission to the workhouse entails no medical certificate and there is no express proviso in the orders of the Local Government Board that no lunatic, insane person or idiot, or person of unsound mind should be admitted, except to a separate and licensed ward. Yet, though the stipulation that such persons should be ex-

Mackenzie, Vol. III. 23330, 23336, 23370, 23371.

cluded from the poorhouses is now insisted on in Scotland, there are, it would appear, many of them still in the ordinary wards of poorhouses. Also, "many of the inmates admitted to the poorhouses suffer from 'weakness or facility of mind' or become so during their residence therein."

Barclay, Vol. III. p. 163. c. 2.

949. Mr. Barclay, General Superintendent of Poorhouses under the Local Government Board, states that there are seventy poorhouses in Scotland, twenty-four of them parish, and forty-six "combination" poorhouses. They contained on May 15th, 1906, 13,187 inmates. Mr. Barclay thus describes these and other defective inmates in poorhouses other than those in the large cities:—

Barclay, Vol. III. p. 163, c. 1.

Twelfth Report of the Local Government Board for Scotland (Cd. 3470), 1907, p. xiv.

Barclay, Vol. III. p. 163. c. 2.

"There are young people whose mental development has ceased at an early age, who cannot be classed as idiots, but who have been found incapable of receiving educational training. I may illustrate my meaning by the case of a lad of twenty-two who has been in a small poorhouse since a boy. He is a capital worker, can clean the brasses, sweep the rooms, wash the dishes, and set the dinner in the dining-hall, and understands and obeys any instruction given to him, but it would never occur to him to do anything of his own accord. He is cleanly in his habits, but cannot enter into conversation, and has no will power of his own."

"There are men in the prime of life, of good education, who are incapable of doing more than the drudgery of copying letters and invoices."

"There are women who have had several illegitimate children, and who are of low mental type and facile disposition. I may note a case where I had recently to examine a woman of this class. She is known to have had ten illegitimate children. She can neither read nor write. She could not tell me, counting on her fingers, how many children she had. In this same poorhouse there is a feeble-minded mute who has had seven illegitimate children. Another illegitimate woman has had ten illegitimate children; her eldest daughter is following in her footsteps, and two of the young children (twins) show signs of weakness. In another small poorhouse with nineteen female inmates, thirteen were infirm and sick, four were epileptics, and three weak-minded; one of the latter has had three illegitimate children, and all the three women are not allowed out as they are sent there for protection. In another small poorhouse there are five women. Two sisters, one weak-minded, have three illegitimate children each—one to a near relative. One woman is a deaf and dumb mute of low intelligence, and two are infirm. I may mention the case of a woman now in a small poorhouse suffering from venereal disease. She has an ungovernable temper, and is destitute of any feelings of modesty. Her husband is also in this poorhouse, a mental and physical nonentity. Her father put her out of the house one night for her bad conduct, when she was sixteen years of age, and this man, who was passing at the time, took her to his house and married her. She has had six children, and has been prosecuted for neglecting and ill-treating them."

"My experience leads me to say that the class of women who come to our poorhouses with more than one illegitimate child are generally of feeble mind." Mentally defective persons in poorhouses.—*contd.*

"We have also in our poorhouses many epileptics. They are a constant source of anxiety to the officials, and it is a marvel to me that we have not many serious accidents occurring among them. In the smaller poorhouses they are under no official supervision, but are looked after by other inmates. The medical officers as a rule endeavour to have the fits removed from day to night, which is a great safeguard." Barclay, Vol. III., p. 164, c. 1.

"There are also in our poorhouses many cases discharged from asylum as recovered, but so feeble-minded as to be unable to maintain themselves outside. These inmates sometimes lapse, and have to be sent back to the asylum. They have no special attention in the small poorhouses, and the monotony of their lives does not improve their mental condition. If young or middle-aged persons leave the asylum cured or improved, they are not, as a rule, sent to the poorhouse. The cases we have in poorhouses are mental and physical wrecks, often from their own previous bad conduct, and are not likely to be benefited by any ameliorative treatment. They are not of a class which could be boarded-out. No guardians would have them at a rate which the parish could afford to pay, and which it would be fair to the ratepayers to spend on them."

"There are also many senile cases. In the smaller poorhouses a large proportion of the inmates are over seventy years of age. In some cases they have been in the poorhouse for years, and have been preserved to senility by the good treatment they have received. In other cases they have been sent in as they were unfit to look after themselves and had no one to look after them."

"With reference to the 'Ins and Outs' I may say that there is scarcely one of the smaller poorhouses that has not at least one case of this kind, but I cannot say that those which have come under my notice are feeble-minded."

950. The feeble-minded persons to whom Mr. Barclay refers could not, he thinks, have been certified as insane and fit for treatment in an asylum by any medical man. Nor are they "fatuous cases" such as are sent to the lunacy ward of a poorhouse. "Very few of them land ultimately in the asylum." They could discharge themselves from the house, but they have no great strength of will and they can be persuaded to remain; and no person has a right to take a feeble-minded person out unless he be his or her guardian. Yet a young woman, for instance, could not be detained as against such a person, even if the object of removal was some pecuniary or immoral purpose. These women, Mr. Barclay said, were not allowed to go out on "liberty" day, once a week or once a fortnight, when other inmates went out. Yet, "if they demanded their discharge they could only be prevented from going out by putting them off from day to day." In Scotland then, as in England, there is no security against feeble-minded persons who cannot take care of themselves going out of the poorhouses. There is no method of certification that might be used in particular cases to prevent them. Yet the need of such a power is obvious. Feeble-minded paupers not properly certifiable under the Lunacy Acts. Barclay, Vol. III. 23456, 23461, 23491, 23507, 23510, 23513.

951. Mr. Barclay gives a return showing the mental condition of women in two of the smaller poorhouses who have had more than one illegitimate child. These women, twenty-two in number, had had eighty-eight illegitimate children. Of the mothers all were feeble-minded except five: and these were described as "low and coarse; father, weak-minded;" in two cases "normal;" "low type;" and "violent temper, syphilitic." The children of six mothers are entered as "normal," "fairly normal," and in four instances "as far as known, normal." The condition of the children in two cases is "unknown;" and in one case the two children died in infancy. In the remaining ten cases one or more of the children was feeble-minded, imbecile, or lunatic. Illegitimacy and feebleness of mind in poorhouses.

952. Dr. Sutherland, Deputy Commissioner in Lunacy in Scotland, said that he had communicated with a dozen inspectors of the poor—in parishes which he knew best, and in which a large part of the parish area was rural, with populations 10,000 to 20,000; and they had sent him notes of twenty cases of "that type of woman who is incapable of looking after herself and is taken advantage of by unscrupulous people." We quote one case and the statements of two of the inspectors:— Sutherland, Vol. III., 24819, 24824, 24825.

Case of Female E. W.

"This woman has had a family of six illegitimate children (two of whom are dead) to different fathers. Four of the children have been brought up by the parish of Maybole, viz.:—

"J. W. was boarded with a guardian at 7s. 6d. weekly. This aliment being paid on account of his being weak-minded. He absconded from his guardian on October 6th, 1902, and has ceased to be chargeable.

"W. W. was sent to Larbert Imbecile Institute when seven years of age on January 22nd, 1895, and remained there till May 13th, 1905.

"A. W. when three years of age was sent to board, on January 6th, 1896, at 3s. 6d. weekly, and is still chargeable.

"G. W. when three years of age was sent to board, on October 2nd, 1899, at 3s. 6d. weekly, and is still chargeable.

Illegitimacy and feebleness of mind in poorhouses.—*contd.*

"This woman was a pauper belonging to the parish of G., and was chargeable to that parish up till August 29th, 1892, in the Combination Poorhouse. On leaving the poorhouse she got married to a man, D. M. who had been an inmate of the poorhouse and belonged to M. parish. After that date the chargeabilities continued to be in M. and have been more or less continuous since. The children Annie and George are legitimate.

"This case has also cost the M. parish a considerable outlay. The lad W.W. alone has incurred an expenditure of over £350, and it is even doubtful whether in the future he will ever be able to maintain himself.

"Parish of——

"Women with illegitimate children receiving relief, five; dependents, eleven; of whom three mothers are 'soft' or feeble-minded. These three have eight dependents. Four of the women have had children to putative fathers. One of the women was illegitimate herself. One of the children, perhaps two, are 'soft.'

"Parish of——

"1. M. R., 34, 'soft'; has two children to different fathers.

"2. J. K., about 30, nearly imbecile, has had one illegitimate boy who had to be sent to Baldovan Imbecile Institution.

"3. L. B., Illegitimate, 30; has one illegitimate child to a man at least fifteen years her senior and who is 'soft.'

"4. J. S., had two illegitimate children to different fathers—one imbecile.

"5. M. M., Illegitimate, about 50, suffers from lupus of face; illegitimate daughter Jessie—weak-minded, has had two children to different fathers.

"6. J. K., 60; has had four illegitimate children, four daughters and one son; son married has large family. One daughter has had a number of illegitimate children. Another daughter has had three illegitimate children. Another daughter, partially blind, has had one illegitimate child.

"7. A. S., In asylum; has one illegitimate boy, considered queer at times.

"8. A. T., 50; has had three illegitimate children, one daughter and two boys. Daughter has had two illegitimate children."

J. Macpherson, Vol. III., p. 33. c. 2. 21222.

953. Dr. John Macpherson, Commissioner in Lunacy, made a personal investigation of two poorhouses which he visited as being exceptional. In one he saw less than a hundred of the inmates, and "when going round picked out fourteen imbeciles, but there may have been others whom he did not see. The fourteen were all well-marked cases."

"Among them was one lad who had been trained at the Imbecile Institution, Larbert. He could converse very fairly and reasonably, but was evidently unfit to take care of himself. Another imbecile seen was a woman apparently about twenty-five years old; she was markedly defective, could neither count, read, spell, nor tell the time when shown a watch; this woman had been the mother of two children. She is an 'in-and-out' and when out makes a precarious living by prostitution. The medical officer stated that this woman ought to be permanently detained, but that in his opinion it would be cruel to certify her as a lunatic. Among other cases we saw were two epileptics, both somewhat feeble-mided, a defective blind boy, a deaf and dumb boy with periodic attacks of excitement, and a feeble-minded man whose wife and child were also in the house, all being imbecile, the wife very decidedly so."

Second Poorhouse.

"The second poorhouse had at the time of our visit 185 inmates. We were accompanied by the governor who showed us in all about 100 of the inmates. Of these only eight were apparently weak-minded.

"(1) Female, aged 30 years; had been seven years in the house; is an epileptic and speaks with an imperfect articulation; suffers from chronic hip-joint disease. She conversed intelligently.

"(2) Female, 50 years; has been thirty years in house. She is able to work in the kitchen, but is markedly defective and cannot talk intelligently. Has had an illegitimate daughter who is a lunatic, and a grand-daughter (daughter of the preceding) who is an idiot.

"(3) Male, aged 54; an 'in-and-out.' Found him working in a tailor's shop. He spoke intelligently; told us he had been in an asylum suffering from mental depression.

"(4) Male, aged 43; twice in asylums suffering from mental depression, the result of drink. An 'in-and-out.' Said he was a labourer, but confessed that he had never done much work.

"(5) Female, aged 40; subject to recurrent attacks of mania; has only been in house a few weeks. Is to be certified and removed to an asylum.

J. Macpherson. Vol. III., p. 33, c. 2 and p. 34, c. 1.

"(6) Female, aged 21; was reared in poorhouse. As a child she was troublesome owing to her tendency to set things on fire. Was sent out to domestic service, but only remained a few weeks in any one place. Has had an illegitimate child. Afterwards married a man as weak-minded as herself. She does not know where her husband is. Illegitimacy and feebleness of mind in Poorhouses—*contd.*

"(7) Female, aged 58; discharged from an asylum. She is demented and apparently unable to take care of herself.

"(8) Female, aged 44. Has been thirty years in the house; cannot read or write; has had an illegitimate child. She is quite quiet and harmless.

"These cases illustrate the necessity for the permanent detention of the younger female imbeciles. It is a matter of comparative unimportance where they are detained, whether in poorhouses or along with the other classes whose detention has already been discussed. If one may judge from the comparatively small numbers dealt with in the preceding figures there are probably few feeble-minded persons among the ordinary inmates of Scottish poorhouses."

954. The last quotation raises two questions: What is the number of the feeble-minded in poorhouses, and whether it is a matter of comparative unimportance where they are maintained? As to the former, there is no count available except for Glasgow, to which we will refer later on, but the general impression made by the evidence of Mr. Barclay, Dr. Sutherland and Dr. John Macpherson is that the number of them is comparatively large, a number quite sufficiently large to require and to justify special consideration and special organisation. As to the latter, Mr. Barclay's evidence appears to be decisive, for he has a long and intimate knowledge of the condition of parish and combination poorhouses throughout Scotland. These feeble-minded persons, he says, "ought to be detained, not in any institution that we have at present," but in "something of the nature of a labour colony. That is what I have had in my mind for some years"; and speaking of the feeble-minded women, he said: "These women would be quite able for work, if they were only kept separate from the rest of the population." We think, therefore, that the better opinion is that the feeble-minded should not be retained in the poorhouses, but should be provided for and, so far as may be necessary in individual cases, be certified and detainable in institutions of the type of labour colonies. Other accommodation than that provided in poorhouses should be available. Barclay, Vol. III. p. 163. c 1. Sutherland, Vol. III. 24819. Barclay, Vol. III. 23461, 23464, 23468.

955. One more point. It is alleged that the parish councils are often very unwilling to provide for the feeble-minded. Dr. John Macpherson said that he had been informed by several medical men that parish councils bargained about imbeciles before acting on certificates or obtaining certificates for them. It had, however, never come under his official notice, because although the inspector of poor notified to the Board of Lunacy when a case was certified, it was not necessary for him to notify when he had seen a case with a view to certification and had not obtained a certificate. He thought that the refusal of the parish council to act upon intimation or the refusal to certify should be reported to the Board, more especially the former, with a statement of the reasons. The Board might then ask two independent medical men to examine the cases. Inactivity of parish councils in dealing with feeble-minded John Macpherson Vol. III. 21350–21376.

956. But there is further evidence of the inactivity of parish councils in these matters. Dr. Clarkson, the Medical Officer at Larbert, says:— Inactivity of parish councils in relation to treatment. Clarkson, Vol. III. p. 70. c. 1.

"If such a definition were accepted," *i.e.*, those who as children are unable to pass the fourth standard, "there would fall within it in the Burgh of Falkirk twenty-two persons. Twelve of these are females, ten males, and they are distributed throughout all ranks of society, as nearly as I can judge, in proportion to the numbers in each rank. Of the females seven are in the poorhouse, one in the asylum, and the rest live with their relatives. The majority of those in the poorhouse have come there by way of the streets, and several of them have borne illegitimate children, but not one of these children survives. Of those outside one lives with her mother and is known to have had two illegitimate children, and the other three are living with their parents, and are being looked after in a quite unsatisfactory, and indeed dangerous way."

"The existence of these cases is perfectly well-known to the parochial authorities; but they are not interfered with unless dangerous or troublesome, and if they become destitute or are unable to work on account of motherhood they are associated with the dregs of the population in the poorhouse, in spite of the law which provides that no 'person of unsound mind' shall be admitted to such a place."

Inactivity of parish councils in relation to treatment.—*contd.*
Clarkson, Vol. III., p. 70, c. 2.

"Of the ten males the majority are partially supporting themselves by unskilled labour, but three are difficult to control, and lead idle, useless, vicious lives on the streets, where they pick up a livelihood by hawking matches, running messages, and the like."

And of children he writes: "Besides these adults there are ten children of school age. Two of these are in well-to-do families, being quite satisfactorily taught at home, one is in the institution at Larbert, two go to a board school where they are allowed to sit with the crowd they know best and do nothing, while the remaining five are allowed to stay at home and do as they please. The school board ignores them, and as long as their parents can support them, the parish council will have nothing to do with them. Two of them at least would be greatly benefited by education in a special institution. . . . The school boards in the rest of the country," *i.e.*, outside Glasgow, where the education of defective children in special classes has been undertaken by the Board," "ignore such children, and the attendance officers wink at their absence from school as soon as it has been shown that they are incapable of benefiting from the instruction given there. They may be allowed to attend to keep them out of their parents' way, as in the two cases that I know of in the Falkirk schools, but they are generally allowed to stay away on such occasions as the visit of an inspector."

"As the parish councils also ignore the existence of such cases, unless they are very mischievous or troublesome, or so burdensome to the parents that they become chargeable to the rates, their detection and treatment is left to their parents, and these, as a rule, are poorly fitted for the task."

Bruce, Vol. III. 24126.

957. Dr. Bruce, a member of the General Medical Council for Scotland, drew attention to this evil even more definitely. Urged in examination to state that the parish people knew every imbecile child in the place, he insisted that neither they nor the medical men in the district know the cases.

24128.

"I could mention," he said, "a particular case told me by an inspector of poor lately, where a child was treated with the utmost cruelty, and they only discovered that when the poverty became so severe that the inspector of poor was called in. It was only then that they found out that this terrible state of things had been going on."

24130.

It was then put to him that it was "the duty of the inspector of poor, when he got word that there was a person of unsound mind in the parish requiring relief, to send a medical man and get a certificate and follow certain procedure": but here again he insisted that this practice was not carried out either in the case of imbecile children or imbecile adults. The inspector was "quite content to be in the position of not knowing that a particular pauper was imbecile."

24131. 24133.

Inactivity of parish councils in relation to discharge and provision on discharge.
Sutherland, Vol. III. 24801, 24811.

958. And Dr. Sutherland, a Deputy Commissioner in Lunacy, discussed the question, as it arose at a further stage—when, on the possibility of the patient who had been sent to an asylum being boarded out, the parish council might again intervene. The superintendents of the asylums were not "keen to part with useful patients," he said, and "some of the inspectors were most unwilling to take the trouble to find guardians in suitable parts of the country." The consequence was that there was overcrowding at the asylum and a neglect of the interest of the patients. "If a superintendent has got fifty patients from one parish and he finds that ten of them are capital workers, then he does not

24802.

want to let them go." The superintendents contend that they should keep these workers in order to reduce the cost of management. "But," Dr. Sutherland continues, "my contention is this, that if they let out any men or women who were

24804.

good workers, then they could train others to take their places. If a superintendent has fifty capital workers he will not be so ready to trouble himself to train other fifty to take their place. Now, in justice to patients and parishes I think there should be a regular cycle going on. The result is that a parish having a number of good workers in an asylum who could be boarded out is mulcted in cost in order that another parish which has few or none of these may be proportionately benefited. . . .

24805.

You cannot employ them all because you do not have the employment. Many of the jobs are jobs for which they do not care. Those who are in the cook-house, laundry, and workshop like it because they get things to encourage them to work. My own idea is this, that if they let go these productive patients they would soon get others to take their place."

The committee of the asylum, have, under the Scottish system, nothing to do with the matter. One body, the district lunacy board, builds the asylums and equips them, while another, the parish council, finds the patients and provides the maintenance. The committee of the parish council by their minute settle who should be boarded out: they control the discharge of unrecovered patients. The interests of both should be, but are not, the same. "Whether representatives of parish councils on district lunacy boards would alter matters I do not know," Dr. Sutherland says. There is not, as in England, an asylum committee with authority to deal with these matters. And the continuing interest of the parish council in the patient is practically nil. "There are hundreds of inspectors of poor who see their patients once, convey them to the asylum, shake hands with them, and never see them again. Nothing, in many cases, is done until the General Board of Lunacy sends a Commissioner to make inquiry when an asylum gets overcrowded and to see if there are any patients fit to be boarded out."

Inactivity of parish councils in relation to discharge and provision on discharge —*cont.*

Sutherland, Vol. III., 24808.

Spence, Vol. III., 20919, 20925, 20934, 20935.

Sutherland, Vol. III., 24810.

And then the process is that in the presence of the inspector of poor a list is made out. "The inspector has got this list, and he is now going to set about and find guardians in suitable parts of the country. Of course it means a great deal of trouble to him, and some of the inspectors are most unwilling to take that trouble. That is specially so in the case of those inspectors whose sole duties are not confined to the parish work, but who have many other things to do and to whom this kind of work becomes a secondary consideration."

Sutherland, Vol. III., 24811.

959. We conclude that the parish councils and the inspectors of poor are inclined to overlook "those poor persons who," in the words of the preamble of the Poor Law Act of 1845, "from weakness or facility of mind . . . are unable or unfit to take charge of their own affairs;" that for those persons more suitable provision than that now generally available in the poorhouses should be forthcoming; and that, in so far as they are placed in asylums, there is a lack of endeavour on the part both of the superintendents of asylums and of the parish councils, to provide for them suitably on the recognised Scottish system of boarding-out, or what we have termed friendly guardianship in private dwellings. This raises the wider question of the sufficiency of the Scottish system to which we will refer later.

General conclusion as to the Poor Law in relation to the mentally defective.

III.—Mentally Defective Children and Young Persons.

960. The Education of Defective Children (Scotland) Act 1906 enables school boards, if they think fit, to make special provision for the education of children who, not being imbecile, and not being merely dull or backward, are by reason of mental defect incapable of receiving proper benefit from the instruction in the ordinary schools, and also for children who, not being idiots or imbeciles, are unfit by reason of severe epilepsy to attend the ordinary schools. There are eight special classes for such children in Glasgow and three in Govan. Elsewhere such education as they may receive is given them in the classes of the elementary schools or in their homes, or at two institutions for the education of imbecile children, those at Baldovan and Larbert.

Special Classes for "defective" children.

Information supplied by the Scotch Education Department.

961. It may be taken as proven that in the ordinary elementary schools feeble-minded children receive no proper attention or education. The two questions for settlement therefore are: whether the system of special classes should be extended throughout Scotland and, if so, under what conditions; and how far institutional education is necessary on the lines of the schools at Baldovan and Larbert or otherwise?

Leslie Mackenzie, Vol. III., 23311, 23391, and p. 154, c. 2.

962. Inquiry in Edinburgh showed that in 600 school children six were marked "defective" by the teacher and sixty-eight marked "dull." "In Dundee out of a 1,000 children inspected nine were found defective and eighty-seven dull." Of the six Edinburgh cases, Dr. Leslie Mackenzie, Medical Member of the Local Government Board for Scotland, says: "probably only two were in the strict sense defective or feeble-minded. In most of them the vision and hearing were abnormal." Of the nine Dundee cases, "specific disease was present in one or two." With these figures he compares the returns of schools in Zürich and Wiesbaden. In the former, out of 2,625 children were found "twenty-one cases of moderate mental weakness, thirteen of advanced mental weakness, four cretins, two imbeciles, and two of other forms of mental abnormality." In the latter of 1,043 children admitted, thirty-six were found suffering from some form of mental affection or epilepsy. Thus at Zürich the percentage of mental defect was 1·6, at Wiesbaden, 3·4; but Dr. Mackenzie does not consider that the amount of mental impairment in these

Proportion of defective children in elementary schools.

Leslie Mackenzie, III., p. 153, c. 2. III., p. 154, c. 1.

Proportion of defective children in elementary schools—*contd.*

towns is greater than with us, but that the examination is more thorough-going. If this be so, the results of the investigation above mentioned may be considered to indicate a more satisfactory state of things than really exists; and that the returns of the medical investigation in regard to children in the elementary schools of Birmingham (1·12), Manchester, Chorlton and Prestwich (1·24), Dublin (1·19), are not likely to be excessive. The English areas taken together showed a percentage of ·79 per cent. of mentally defective among the school children on the rolls. The number of school children on the rolls in Scotland for the year ended 31st August, 1907, was 813,695; and if this evidently moderate percentage were considered applicable to them, there would be 6,429 mentally defective children amongst the school population. The Scotch Education Department state that there are twelve schools where classes for defective children have been established, with a total of 746 children on the roll; one of these schools, however, viz., that at Dundee, is for cripple and invalid children. We might, on that basis therefore, anticipate that about 5,683 mentally defective children would require attention or provision.

Vol. VI., p. 59, col. 19, and p. 75, col.

Vol. VI., p. 59, col. 19.

Urquhart, Vol. III., 24494 to 24496.

963. At Perth Dr. Urquhart, Physician to the James Murray Royal Asylum, Perth, found that out of 3,759 children in elementary schools there were thirty-two or about 0·9 per cent. who were "either feeble-minded or very dull and backward and who were not properly placed in those elementary schools."

Mentally defective children and their education. Thomson, Vol. III., p. 209, c. 1.

964. Dr. Thomson, one of the physicians to the Royal Hospital for Sick Children in Edinburgh, approached the question from an entirely different point of view—that of the children as seen in out-patient visiting or at a dispensary. He met with a large number of mentally defective children, he said, and had been strongly impressed with the difficulty that the parents of such children generally had in getting assistance. "When a mentally defective child occurred in a family and required skilled instruction or removal to an institution for training or special care, the difficulties were in most cases practically insuperable." He had seen this in many instances. There are many mentally defective children among the respectable poor as among other classes, for whom no outside help was desirable, "but for a large number there was a crying need for outside help of some sort." This need was due, he had found, to reasons such as the following:

"(a) *On the Child's Account.*

1. *Unkindness at home*, as in the case of the illegitimate (or other) children of bad women.
2. *The impossibility of getting liberty* in their home surroundings for healthy occupations and exercise and fresh air.
3. *The impossibility of getting training* at home that will occupy their energies and turn them from mischievous into innocent and happy channels.
4. *Inadequate protection* from the injuries inflicted on them by unscrupulous persons.

(b) *On the Parent's Account.*

1. *Too exacting demands on their time and energy on* the part of an idiot child who causes an unjustifiable interference with their earning a livelihood and with the training of their other children.
2. *The constant anxiety caused to the parents* by a child's living in the home when circumstances make it impossible to keep him or her under safe control. (Mischief; injury to younger children; fire-raising; injury to child himself in a fit; dangers of immoral conduct, etc.)

I may illustrate what I mean by referring shortly to some classes of these cases that are often met with in practice."

Thomson, Vol. III. p. 209, c. 1 and 2.

965. In the case of young children "who are completely idiotic, who do not know their own mother's touch, who often take frequent fits, or scream continuously night and day when they are not asleep, . . . it is at present absolutely impossible" for the poor to obtain the admission of the child to any custodial institution. Equally in the case of "imbecile children, who are altogether unfit for ordinary school lessons, but were able to go about freely. At home they go steadily downwards, and learn all sorts of undesirable ways, besides interfering greatly with the work of the house. . . . Yet they could not be allowed to live on the streets without a certainty of rapid deterioration"; for them "institutional accommodation in Scotland is altogether inadequate." Their parents would seldom have the influence to secure their admission to Larbert by election, and if they tried to get admission through the parish council, great difficulties are often met with:

"Sometimes when the case is a dangerous one and the parents are destitute, the child is removed more or less promptly. If the parents are respectable working people, however, it is much more difficult, because the authorities generally demand so large a proportion of their entire income, that the proposal is regarded as prohibitive and the negotiations promptly brought to an end."

966. For epileptic children also there was no adequate provision. The elementary school could not provide education for them. They would have very greatly benefited by being sent to a colony or to some such institution. For "returned institution cases," there was also no provision. They "have been discharged from a training institution either because they have been there for the statutory five years" of residence allowed under the terms of the voting system, "or because they are past eighteen years old, and when they come home they often are found in a miserable state in their homes. During their absence their place in the home had been filled up; the other children were unused to their ways and were inconsiderate to them," and they miss the regulated institution life. Also the class of weak-minded girls passed puberty, who were healthy and more or less normal in appearance, required supervision. They could work, but could not be trusted to take care of themselves in society.

Mentally defective children and their education—*contd.*

Thomson, Vol. III., p. 210, c. 1.

967. The only institutions for mentally defective children are those of Larbert and Baldovan. They are licensed by the Board of Lunacy, under the Lunacy Acts, and are managed on the lines of idiot asylums in England. At Larbert about a fifth of the inmates are private pupils for whom their relatives pay £40 to £100 a year; a fourth are elected by the subscribers, and the rest are sent by the parish councils who have to pay £30 a year, exclusive of clothing, for each case. The elected children remain for five years unless they are re-elected for a second period on the ground that they are specially hopeful pupils. Other children remain so long as they are paid for, or until the age of eighteen. No statutory certificate is required. A single medical certificate is required by the school authority of the institution in private and election cases, to the effect that the patient is of unsound mind and is likely to benefit; and in parish cases two medical certificates are necessary and the consent of the Board of Lunacy to the child's admission.

The institutions for imbecile children.

Lunacy (Scotland) Act, 1862 Sec. 7.

Clarkson, Vol. III. p. 70. c. 2

968. The results are not satisfactory. Of 801 patients who had been discharged, "only forty-two were, in the opinion of the superintendent, able, partially or wholly, to maintain themselves on dismissal, and we know of only four that are certainly maintaining themselves without supervision." Fourteen of the forty-two are employed in the institution, and make themselves very useful, but they could not obtain employment outside. "The rest of the forty-two are doing useful work for small wages and so are partially maintaining themselves."

Clarkson, Vol. III., p. 71. c. 1.

Dr. Clarkson, Medical Officer of the Scottish National Institution for the Education of Imbecile Children at Larbert, Stirlingshire, was not satisfied as to the condition of 517 patients who had been handed over to relatives. It seemed to him very undesirable that they should live henceforward without any other supervision. It was difficult to trace them; but he knew that a good many were either dead or in asylums. They knew of three girls who had had illegitimate children. Sixty-five of them were under the charge of parish councils, and were entrusted to their parents simply to save expense. The conclusion which he submitted to us was, that the applications for special teaching or care should not be left entirely to the parents:—

Clarkson, Vol. III. p. 71, c. 1.

> "If the parents do not act, and if the child is not so mischievous as to be dangerous to others, or so helpless as to overburden its mother, and make her apply for relief from the rates, no steps are obliged to be taken for its education or subsequent care. In consequence of this the educational institutions are filled by large numbers of ineducable cases. These require only to be kept clean and warm and to be fed, and this could be done much more cheaply in some such additions to asylums as the Glasgow Parish Council have at present at Woodilee, or perhaps even better in one or two large establishments specially erected for the purpose."

If the two institutions for imbecile children were freed from the encumbrance of having to maintain and teach a large number of ineducable children, they would probably between them be able to provide all the accommodation required for the educable imbeciles in Scotland.

Clarkson, Vol. III. p. 71, c. 1 and c. 2.

969. Dr. Sutherland's experience of 100 cases of children educated for five or six years in these institutions coincided with this opinion. "In most of the cases the institution did no more, perhaps less, than capable parents, if they were kept at home, or a good Scotch housewife would have done, if they were boarded-out, at half the cost. It was not the fault of the two institutions; they were not suitable cases for them."

Sutherland, Vol. III., p. 239. c. 1.

Bruce, Vol. III., 24097.

Many imbeciles not suitable for stay in Lunatic Asylums and poorhouses.

Ireland, Vol. III., 24033, 24037.

970. Nor as the children grow up are they suitable for permanent care in lunatic asylums or poorhouses. Dr. Ireland, who was for some years Medical Superintendent of the Larbert Institution, said that, in order to be a proper place for an imbecile, the poorhouse would require to be a very small house and the matron a very benevolent person. "I have seen imbeciles in poorhouses: they were clothed and fed and perhaps kept clean enough, but they were neglected and nothing was done to amuse or employ them." "There was no special treatment at all"; and the sane inmates would have a right to complain at their being associated with them. As to their suitability for admission to lunatic asylums, Dr. Ireland said: in them "the more intelligent learn all manner of tricks; as for the helpless ones, they are apt to be cuffed and beaten and pushed about. I have seen very peaceable imbeciles who have been trained in establishments, and when they were in lunatic asylums they became like wild beasts in a year or so."

24028.

Difference of views as to continuous supervision and aftercare.

971. At this point we come to a marked difference of opinion on the part of the witnesses. As we have seen, a large number of imbecile or feeble-minded children go to no special school, for there are no such schools in Scotland except at Glasgow and Govan; but as soon as the obligation to train or educate feeble-minded children is publicly accepted, the true conditions of the problem appear. Those who are trained can seldom take an adult's place in the world and wholly, or in great part, support themselves. They can never become mentally normal. They are always in need of protection, and under supervision they are able to work usefully in the grooves of routine. Hence one obligation leads to another. At eighteen they may be trained to a certain point, but they fall away under the pressure of life and are often found in poorhouses or prisons or living uncontrolled and disreputable lives. One view of this dilemma is that there should be, according to the requirements of the particular individuals and their circumstances, supervision or, if need be, segregation with or without some kind of detention, so that their downfall may be prevented. The other view, which is held with various modifications, is that they should be assisted by training or education in special classes and possibly to some extent in institutions, but that at the age of eighteen public responsibility in regard to them should cease, unless on the ground of neglect, destitution or malfeasance they once more become chargeable to the community or require the intervention of the local authority. It is indispensable to decide this question in one sense or the other, if any intelligible policy in regard to the feeble-minded is to be adopted. We will therefore set out the evidence on the point very shortly on the part of those who desire a minimum of interference and supervision.

Spence, Vol. III., 21085–21086.

972. Eighteen, it is admitted, is an age arbitrarily fixed. Large numbers of the feeble-minded after the period of schooling and adolescence disappear for the moment, and a great many come back again to official cognisance. But "so long as they show themselves fit for home life, are under the guardianship and control of respectable relatives, and are not a source of annoyance to the public, there would not be the slightest excuse for interference with them on the part of the State." We "would not be justified in shutting up a harmless imbecile on the theory that he might do something wrong." The parish council pass a minute discharging the child or young person to private care, and they are presumably satisfied with the conditions of the discharge. That, in general, appears to be all that is necessary. Nevertheless it is allowed that the protection thus afforded may be inadequate, and that "no doubt on perfectly reliable authority" it is stated, that "some cases are not properly protected; weak-minded girls and people like that," and finally the policy is accepted, that those, and those only, should be protected who can be shown to need protection.

21088.

21090.

21092.

21093.

21126.

This, it appears to us, admits the general principle of supervision; but before commenting on it, we would set down the opinions of other witnesses.

John Macpherson, Vol. III. p. 30. c. 2. p. 31. c. 1. 21288.

973. At present only comparatively few imbecile children are sent to Larbert or Baldovan. It is proposed that it "should be compulsory on parish councils to deal with feeble-minded children in the same way as lunatics are now dealt with." Then at eighteen they would go back to their homes, or be boarded out, or be placed in asylums for ineducable children like that attached to the establishment at Woodilee. Thus utilised, the present system, it is argued, would serve

Macpherson, Vol. III., 21284.

all purposes. But this is all that should be done. When the children had passed through the school period, though at fifteen or sixteen they seemed on diagnosis "likely to commit crime," they should not be kept under certificate and detained "unless they were neglected and showed marked mental defect." That they would be almost certain to become harmful to the community would not justify detention; but that such persons should go into the world unprotected would do so. Here again a condition of continuing supervision is admitted —a state of unprotectedness.

Difference of views as to continuous supervision and after-care.—*contd.*

21285-21287.

974. Another witness went further. He submitted a definite proposal, subject to reservations. He thought that these young persons should be kept longer under tutelage—to eighteen or so, and that they should go out under certain directions and conditions; that the register of them should be kept by the chief constable of the district and the inspector of poor of the district, so that should they turn up subsequently as paupers or offenders, reference may be made to the register. But all this should be done, subject to the proviso that no such provision should be used so as to compel people to go into institutions if they could be provided for otherwise. If there was a fair chance of their being looked after decently in their own homes, they should be let go until they did something to bring them into the hands of the State again, or until their friends considered that they ought to be under care. Probably in the course of time some 50 per cent. would come into institutions, and they might be certified, *mutatis mutandis*, as lunatics are certified.

Carswell, Vol. III., 21964-21983.

Cf. Leslie Mackenzie, Vol. III. 23276-23281.

Here machinery is suggested for the after-recognition of the feeble-minded. Those would be specially supervised or provided for in regard to whom there was no fair chance of their being looked after decently in their own homes; but those who had such a fair chance would be registered as well as the others.

975. Another witness considered that there should be a proper census of all children, and that the school board should come in and decide as to whether a defective child should be sent to be trained or not. Thus here, besides the after-school register, a before-school census is suggested.

Bruce, Vol. III., 24110, 24123, 24124.

976. Lastly, Dr. Clouston would link the methods for dealing with the feeble-minded into one system. He would have special classes, and in the cases of young women would, on their leaving school, board out some—about a third—and segregate others. The feeble-minded would be graduated according to their feeble-mindedness and their tendencies in life. Some would be boarded out, some go to asylums, some to special educational institutions like Larbert. A certain number would be provided for at home. "I would weed them out as soon as the education or schooling process is done, say, when they reach the age of fifteen; and then after proper investigation they would be kept in the institution, or sent into the country. It is a question of proper organisation."

Clouston, Vol. III., 24170, 24180, 24196, 24286, 24315.

24204.

977. Our conclusion from this evidence is that it necessitates the acceptance of a policy such as we have sketched as applicable to England. The ground of our recommendations for the record of cases at the school period, either with a view to the special class, so far as it may be suitable, or with a view to the alternative or subsequent use of "colonies" or homes, or friendly guardianship, or certification, and, so far as it proves to be necessary, detention, is the absolute necessity both on personal and public grounds of protecting the mentally defective who would otherwise continue to be as unprotected, and often as neglected, as they are at the present time. Those who can be cared for and trained at home with their parents or guardians it is not proposed to remove; those who can be properly provided for without certification and detention would be known and as far as possible kept in sight; those for whom detention appears to be necessary would be certified and detained. All the present methods of aid and care would be turned to account. There would be no question of the transference of all those who are mere imbecile or feeble-minded to institutions, or of simply adding to the provision now forthcoming in Scotland two or three more asylums, and thus of meeting present difficulties by the single method of additional institutional accommodation. The aim would be to place at the disposal of the authority responsible for the care of the mentally defective much more varied

Wider scheme of control and supervision required.

Spence, Vol. III. 20947.

Wider scheme of control and supervision required—*contd.*

means for dealing with them and supervising them—the special class, the special home, supervision while remaining in the family, removal from the family for training or on account of neglect, residence in a voluntary training home, supervision without certification, with certification without detention, with certification and detention, boarding-out, the farm colony, and so on. By the adoption of observation wards, boarding-out and the six months certificate in cases of temporary or incipient mental disorder there is an elasticity in the Scottish administration of mental defect, which is lacking in England. But there is in our opinion room for much further adjustment and expansion in dealing with individual cases; and accordingly we recommend that *mutatis mutandis* a scheme of control and supervision similar to that recommended by us in regard to England be adopted in Scotland.

Spence, Vol. III., p. 12, c. 1.

Spence, Vol. III., p. 10, c. 1 and c. 2, 20903, 20917-20926.

978. Another question. The board of a district asylum has no part or responsibility directly or indirectly in the discharge of recovered or unrecovered patients from asylums. They may know that the superintendent is keeping patients in the asylum who could rightly be boarded-out as unrecovered, or who could work outside under friendly guardianship; but they have no voice in the matter; it is outside their province. The parish council, on the other hand, who, in the capacity of a Poor Law authority, is maintaining the pauper lunatic (and the vast majority of the patients are, technically at least, pauper and not private patients), subject to the approval of the medical superintendent, "have the power of passing a minute for the discharge of unrecovered patients." Thus, apart from the question whether such minutes are or are not merely the formal endorsement of a discharge advised by a superintendent, the board of the district asylum itself have no control over the use which is made of the institution of which they are nominally the managing body—the most important question of all in the internal administration of an institution. Such an imperfection of control on the part of the district board must, we think, tend to the perpetuation of the evils to which Dr. Sutherland has called our attention. In England the asylums have suffered from an accumulation of cases, unsuitable to continuous asylum treatment, for which provision could not be made by friendly guardianship or otherwise. In Scotland the exit from the asylum is not thus hampered, and yet by reason of the system of management, unnecessarily as it would seem, the asylums remain overfull. These and other considerations have led us to recommend that in the case of mentally defective persons dealt with by the local authority no transfer, except as mentioned in the proviso below, shall take place from one institution or home to another or from an institution or home to private care or *vice versa* without the authority of the local authority and subject to their approval as to the selection of the institution or private care to which the mentally defective person is to be transferred, and the Board of Control shall make such regulations as may appear to them necessary in relation to the several classes of cases for reports of transfers being made to them, and for the granting or withholding of their consent, provided always that the Board of Control may order the transfer of any particular case where it appears to the Board that such transfer is desirable. This would not weaken the legitimate control of the superintendent, but, rather, it would fortify it.

Sutherland, Vol. III., 24810, *et seq.*

Recommendation XXI.

Charles Macpherson, Vol. III., 21594, 21602.

979. Further, in Scotland, as the evidence shows, there are many non-certified imbecile or feeble-minded persons who require protection and supervision. The Asylum and Poor Law authorities do not at present succeed in dealing satisfactorily with all classes of the mentally defective. The parish authorities do not always intervene when they should, and in the case of children are slow to intervene even in grave cases. They have at their disposal no sufficient and suitable provision for imbeciles. The asylums for the insane contain many congenital imbeciles,—probably as many as 14 per cent. The system of boarding-out, or friendly guardianship, approved on all hands, is held in check by the needless retention of patients in the asylums. Chronic patients, "senile and paralytic broken-down people," are accommodated in the asylums, for whom other provision should be made in "asylum hospitals" or elsewhere; there is also an accumulation of ineducable cases in the training schools for imbecile children. Throughout there is a need of revision and readjustment, in order that the care of the mentally defective may be brought definitely under one authority and provided for, not within the terms of Lunacy Acts, which were

Clouston, Vol. III., 24301-24305, p. 202, c. 1 and 2.
John Macpherson, Vol. III., p. 30, c. 1.
Charles Macpherson, Vol. III., p. 21594. (but Cf. Clouston, Vol. III., 24216).
Sutherland, Vol. III., p. 242, c. 1. and c. 2; p. 244, c. 1 and c. 2.

not intended to be applied to the wants of the feeble-minded or imbecile class and are not, in fact, applicable to that class, but under conditions which more recent science and a greater sense of public responsibility may suggest.

IV.—Other Classes of the Mentally Defective.

Recidivists and inebriates.

980. The necessity for the introduction of changes in the administration for the care of the mentally defective is emphasised in the case both of offenders, who are punished by short sentences and are repeatedly committed for constantly recurring offences, and of inebriates. The evidence on this point is similar to that submitted to us in regard to England, and our recommendations must in principle be the same.

Recommendations XXXVIII. and XL.

Youthful offenders.

981. In regard to youthful offenders, the evidence of Mr. Gulland, M.P., proves the necessity for a change. At present they are dealt with much as they now are in England (*see* Chapter XXII.). "A larger proportion of feeble-minded children find their way into police courts than ordinary children." Mr. Gulland, who was a member of the Edinburgh School Board from 1900 to 1906, says:

Gulland, Vol. III., p. 187, c. 1.

"By the terms of the Youthful Offenders Act, 1901, intimation is made to the Clerk of the School Board of all offenders under fourteen years of age. He directs the attendance officer to visit the schools to see whether these children have been regular attenders, and he also intimates to the headmaster the name of the child with the nature of the offence and its punishment. For the year to 31st August, 1905, there were reported to the Edinburgh School Board 475 cases, being nineteen girls and 456 boys. These cases are supposed to be taken separately from the ordinary criminals, but as a matter of fact they are a great deal too much associated with them. Some of the offences are sufficiently serious, but many are of the nature of playing football on the streets. I have gone through a number of these papers and am struck with the sentences pronounced. In many cases the punishment is a fine of one shilling or six hours in the cells. A boy with poor parents cannot find the shilling, and he spends six hours in a cell. On emerging therefrom he receives a glass of milk and a bun, and returns to school to become a hero with his comrades, but having begun his career as a criminal. Especially in the case of the feeble-minded this is disastrous."

Gulland, Vol. III. p. 187, c. 1.

982. The suggestion Mr. Gulland makes is that the school board should sit as a tribunal for cases of first offence among children and should be empowered to order a minor punishment that would be suitable for the offence. We think that the better plan would be that in cases in which appearance or circumstances suggest feebleness or defect the court should have at its disposal adequate medical help in deciding whether the child is or is not mentally defective, and should refer the case especially to the school authorities and notify it to the Board of Control, so that suitable preventive action may, if possible, be taken.

Recommendation XL.

"Weak-minded" prisoners.

983. "When we come to the class of delinquents who are, though intellectually apparently intact yet morally feeble-minded, we are dealing with a class never contemplated by the lunacy laws. . . . It is not too much to say that some weak-minded offenders pass most of their time in gaol." These words sum up the position of prisoners of this class. In 1903 there were 1,333 prisoners in Scotland who had been convicted fifty times and oftener; 982, fifty to 100 times; twenty-eight, 200 to 300 times. Dr. Sutherland estimates the number of habitual offenders in Scotland, who are feeble-minded, that is, the "feeble-minded among police drunkards, petty offenders, prostitutes and vagrants," at 2,500 approximately. Their offences vary, but they are not "criminals" in the right interpretation of that term. "Owing to mental incapacity, mental warp, lack of skill and daring, they are not permitted to join the ranks of the criminal aristocracy and professionals who live by plunder. Yet they are a costly nuisance, and cause vast trouble to the different authorities through whose hands they frequently pass." An examination of sixty-five short sentence female prisoners, of whom thirty-one in the Edinburgh prison had had not less than ten previous convictions and thirty-four in the Glasgow prison who had had not less than thirty previous convictions proved that not less than 60 per cent. of the whole number were mentally abnormal. The entire uselessness of these repeated convictions and detentions is admitted; and it follows that in these circumstances recurrent offenders, and indeed other offenders also, who on medical examination are ascertained to be feeble-minded and criminally irresponsible, should be dealt with primarily rather as mentally defective persons than as offenders. Accordingly some, if they are insane, we think, should be

John Macpherson, Vol. III. p. 32. c. 1. Crombie, Vol. III. p. 253. c. 1., p. 256. c 1., p. 258.

Sutherland, Vol. III. p. 245. 24827, 24843.

Sutherland, Vol. III. p. 241, c. 1.

John Macpherson, Vol. III. p. 32. c. 2.

Weak-minded prisoners—*contd.*

sent, as Dr. John Macpherson proposes, to asylums, and others to a special asylum, which should have no prison element in it at all, and should be built upon the village type with a central hospital for treatment and observation. Macpherson, Vol. III. p. 33. c. 1.

Powers of Criminal Courts to deal with mentally defective offenders.

984. We have had no evidence laid before us with regard to the question whether it is desirable that the powers of criminal courts should be enlarged so as to enable them to deal more satisfactorily with mentally defective persons who cannot at present be certified as "lunatic." We are consequently not in a position to make positive recommendations. But we suggest that our recommendations on this subject in the English part of our report should be considered by the Secretary for Scotland.

Recommendation XL.

Mentally defective prisoners to be sent to suitable institutions.

985. Incidentally another point may here be mentioned. Under Sec. 89 of the Lunacy Act of 1857, which has for a long time been in disuse, a prisoner who during confinement is found to be lunatic may be removed to an asylum and there retained after the close of his sentence, "until it shall be duly certified to one of His Majesty's principal Secretaries of State that such person has become of sound mind." Mr. Crombie, Secretary and Inspector of the Prison Commission for Scotland, thus states the case. He is asked by Dr. Dunlop: "We have heard a great deal about Sec. 89; the witnesses have been fairly unanimous in approving of it. You can tell us its working from a practical point of view?" He replies: "We have had only one case, a case in 1903, of a man who was a pest to society in a small burgh in the north. The parochial medical officer refused to certify him as insane on discharge from prison. The next time he was in the hands of the police the procurator fiscal reported to the sheriff that the parish medical officer declined to certify him, and the sheriff then, under Sec. 89, ordered an inquiry into the prisoner's mental condition. He was certified insane to the Secretary for Scotland, and was ordered to be transferred to an asylum. After being detained there for two and a half years, he was reported to be sane. On the matter being referred to the Secretary for Scotland, he ordered the man's discharge." The medical officer, it is admitted, had refused several times to certify the man, although he was known to have "such attacks of acute mania as required two or three attendants days on end." One difficulty in the section is that it entails a division of authority; and a simpler process would suffice for ensuring that prisoners who are accounted insane should not be set free on the termination of their sentences. Another difficulty is that while a prisoner the insane person is paid for by the State: when he has been discharged the cost of his maintenance should fall on the parish council, but the Act of 1857 does not settle this point expressly. Besides Section 89 of this Act there is in the Criminal and Dangerous Lunatics Amendment Act, 1871, a section (No. 6) which refers to similar cases. It provides for the detention of insane prisoners in lunatic asylums for the remainder of their sentence. This section should, we think, be put in operation in conjunction with Section 89 above quoted, and extended to mentally defective persons.

Cf. John Macpherson, Vol. III. p. 31. c. 2, 21386.

Cf. Spence, Vol. III. 20863-20869.

Crombie, Vol. III. 24896, 24897, 24910, 24912.

986. We recommend that Section 89 of the Lunacy (Scotland) Act of 1857 be brought into regular use for dealing with cases of mentally defective persons in prison, and that it be amended so as to make it clear that the charge for the maintenance of such prisoners in institutions other than prisons shall fall on the funds of the local authority liable for their maintenance, unless in his discretion the Secretary for Scotland direct otherwise. We recommend further that the sixth Section of the Criminal and Dangerous Lunatics Amendment Act, 1871, be retained and extended to cases of mentally defective persons.

Recommendation XXXIX.

Mentally defective inebriates.

987. Next of inebriates. The Inebriates Acts, 1879–1900, are not in all respects found to be satisfactory.

John Cunningham, Vol. III. p. 227. c. 1. p. 228. Motion, Vol. III. 21771, 21776. Henderson, Vol. III. 23610, 23611. Clouston, Vol. III. 24364-24369.

Dr. John Cunningham, Medical Officer to the Girgenti Home for Inebriates, states that mental enfeeblement is the cause of inebriety. The majority of inebriates admit that they began the use of alcohol at from sixteen to thirty years of age. The largest number of patients still come from the lower grades of society; they have been "in and out" the poorhouse for years; the majority have been confirmed inebriates from ten to twenty years. Of twenty-nine inmates discharged from the Girgenti Home for Inebriates belonging to the Glasgow Corporation, eight had relapsed, five were in poorhouses, four had been

lost sight of or there were no particulars obtainable in regard to them; nine may be, and certainly five are, doing well; two have died; and one was "mentally and physically" unfit. The results are not very encouraging; inebriety is not treated at an early stage as a disease; persons who are "unwilling to admit that they are habitual drunkards, although they are speedily reducing themselves and their families to starvation, yet keep out of the hands of the police" and are not now detainable; and the cost is considerably in excess of that of maintenance under the Poor Law.

Mentally defective inebriates—*contd.*

Motion, Vol. III. 21773.

988. These conditions are very similar to those which we have sketched in the case of England and Wales; and we recommend that, as in England, there should be separate institutions for the better and more hopeful cases and for "the weak-minded imbecile patients and those who watch every opportunity for escaping, display fearful exhibitions of temper, and require the same close attention as inmates of a lunatic asylum." Further, mentally defective inebriates should, like other mentally defective persons, come under the cognisance of the General Board of Lunacy. "Ins-and-outs," whether alleged to be habitual drunkards or not, should in our opinion be examined with a view to ascertaining whether or not they are mentally defective.

Cunningham, Vol. III., p. 229, c. 1 & 2.

Vol. III., p. 347. Draft Bill to amend the Inebriates Acts, 1879 to 1900. Recommendation XXXVIII.

989. In Scotland as in England the increase of feeble-minded aged people in the asylums is noticed. Dr. Carswell says that in "the last five years in Glasgow parish the number of persons sent to the asylum for the first time at ages fifteen to forty-five has been equal to a proportion of about 8 per 10,000 persons living at these ages, and there is no indication of any tendency to increase, whereas the proportion of persons over forty-five sent to the asylum for the first time has been about 13 per 10,000, and there is a distinct tendency upwards." Dr. Clouston says that at the Royal Edinburgh Asylum the number of patients over sixty, year by year, has more than doubled in thirty-two years; the mean age of patients has gone up by three years, the death-rate risen 46 per cent., the recovery rate fallen 33 per cent.—all from this cause. The increase is in cases of a kind of mental feebleness "certified as technical insanity and sent to mental hospitals, that is, the senile and paralytic broken-down people among the poor." His "chief objection to them is that they take up bed and nursing which should be reserved for curative purposes;" and they account for the "apparent increase of insanity of late years." They often improve—becoming more quiet by night and day after a few months; and he suggests that they might then be sent to poorhouse hospitals, which would be cheaper. Dr. Carswell proposes that more provision should be made for them, "and, if possible, outside asylums."

Senile feeble-minded or dements.

Carswell, Vol. III., p. 64. c. 2.

Clouston, Vol. III., p. 202. c. 1 and 2.

Cf. Spence, Vol. III., 20966, 20967.

Carswell, Vol. III., p. 64, c. 1.

For this class also, as in England, the conditions of assistance have to be reconsidered and steps taken to prevent the curative institution, the modern asylum, being turned to other purposes.

V.—Certification and General Administration.

990. We have referred to the very useful system of observation wards which have been introduced into Scotland (par. 706); to the introduction of the Villa Asylum at Kingseat and Bangour, now also adopted in England; to the utility, economy, and extent of the plan of boarding-out, which we have recommended for general adoption in England (par. 693), and to the special certification for six months or less of patients as suffering from incipient mental disease (par. 713)—a very useful procedure for treating cases for which admission to an asylum may prove unnecessary or inexpedient. To the methods of certification we have also referred at some length (par. 717). We have to discuss them further, however, in relation to the question of the certification of the various classes of mentally defective persons.

Cf. Vol. III., Part II., p. 307 *et seq.*

Copies of the General Reports on three specially licensed houses.

Spence, Vol. III., 20894.

Clouston, Vol. III. p. 202. c. 1., 24251.

Sutherland. Vol. III. 24797.

991. The Scottish medical certificate requires the two medical men, who certify with a view to detention by order of the Sheriff, to state on soul and conscience "that the said A. B. is a lunatic (*or* an insane person, *or* an idiot, *or* a person of unsound mind) and a proper person to be detained under care and treatment." Facts indicating insanity observed by the medical person and similar facts communicated to him by others have to be entered in the grounds of the opinion.

Statutory certificates.

Schedule (D) Lunacy (Scotland) Act, 1857.

Statutory certificates—*contd.*
Schedule (G) Lunacy (Scotland) Act, 1857, and Schedule (A) and Sec. 13; Lunacy (Scotland) Act, 1866.
Also Vol. III., p. 297.

992. The only other statutory certificate, except the certificate of the superintendent or medical attendant for continued detention (Schedule A.—Lunacy (Scotland) Act, 1866), is the "six months" certificate in Schedule G. of the Act of 1857, by which a duly qualified medical person may "certify on soul and conscience that C. D. is afflicted [*state the nature of the disease*], but that the malady is not confirmed, and that I consider it expedient, with a view to his recovery, that he should be placed [*specify the house in which the patient is to be kept*] for a temporary residence of [*specify a time not exceeding six months.*]" This certificate refers to "lunatics received into any private house," as now regulated under Section 13 of the Act of 1866, though the word "lunatic" does not appear in the form itself. Any person suffering from a mental malady which is not confirmed, and for which temporary residence in a private house is expedient, may be included in it. It thus broadens out the field of "lunacy," while the plan of the certificate is not unlike that which we propose below—a general qualifying term "mentally defective" with the entry of the class of malady which in the particular instance comes within that term.

Administrative certificates.
Lunacy (Scotland) Act, 1857, Sections 3 and 9, and Lunacy (Scotland) Act, 1866, Section 18.

993. Besides these two statutory certificates there are several that are administrative, and owe their validity to the general powers of the Board as appointed "for the superintendence and care of asylums and lunatics." The certificates and forms, and information relating thereto, will be found in the Appendix to Vol. III. of the evidence: Part I., p. 283.

Vol. III., p. 283.

994. To mentally defective paupers the word "lunatic" is generally applied. When application is made to the General Board of Lunacy to grant sanction for the residence of a pauper lunatic in a private dwelling specially licensed or otherwise, a statement from the inspector of poor and certificates from two medical persons are required. In these certificates the formula of the certificate of the Act of 1857 has to be followed: that A. B. is lunatic, *or* insane person, *or* idiot, *or* person of unsound mind, and facts observed or communications as to the patient's insanity or idiocy have to be stated.* For this the order of the sheriff is not necessary; the approval of the General Board of Lunacy suffices. And removals from an establishment other than an asylum to a private dwelling, and from a private dwelling to an establishment, or from one private dwelling to another, are sanctioned by the Board on the application of the inspector of poor without further medical certificates, until the patient is visited by one of the Board's officers.

Vol. III., p. 285.

Vol III. p. 287.

Vol. III., p. 291.

995. In the case of private patients the form of application to the General Board of Lunacy (Form F. 2) to sanction the reception of a private patient into a private dwelling, specially licensed or otherwise, states that the patient "is of unsound mind, and a proper person for residence in a private dwelling." And the single medical certificate that accompanies the statement states that the person is of unsound mind and the facts stated as the grounds for the certificate indicate *insanity*. In the case of pauper patients, for whose reception into the lunacy wards of a poorhouse the sanction of the Board is required, the medical person (Form C.) certifies that he believes the patient to be of unsound mind and a proper person to be in the lunatic wards. In "emergency" asylum certificates (Form A.) the same phrase, "of unsound mind," is used.

Vol. III., p. 292.

Vol. III., p. 304a

Vol. III., p. 293.

996. "On liberation on trial or probation of a lunatic," the single medical certificate "reports and certifies with respect of the patient's mental state" without specification of the actual malady by name. It is signed by the asylum superintendent as his authority for the liberation of the patient; and the superintendent at the same time "subjoins a statement of particulars of the circumstances in which it is proposed to place the said patient." And towards the close of the period of probation the inspector of poor has "*To transmit to the Board a medical certificate to the effect either that the patient* (1) *is recovered, or* (2) *is still of unsound mind.*"

Vol. III., p. 294.

* The certificate of the Act of 1857 refers in the required statement of facts to facts "indicating insanity." In the administrative certificate, insanity and idiocy are separated as the two sub-divisions of "lunacy."

997. In their provisions for the reception into private dwellings of private patients, maintained out of private funds, the Board use the terms *insane person*, or *person of unsound mind*, as representing those who may reside in a private dwelling without an order of the sheriff or the sanction of the Board "with relatives or others who receive no remuneration for the patient's maintenance." Administrative certificates.—*contd* Vol. III. p. 296, cols. 1 and 2.

998. In the case of patients under curatory (*see* pars. 749 to 752 and 982), the Board recognise both lunatics and persons whose mental derangement does not amount to lunacy—"every person to whom a *curator bonis* has been appointed by the Court of Session on account of *mental imperfection, whether such mental imperfection does or does not amount to 'lunacy'* as defined" by the form of certificate in Schedule D. of the Act of 1857. And notice of the admission and departure of a boarder in a private dwelling with special licences, *not being a lunatic*, has to be given within three days as in the case of a lunatic. Vol. III. p. 297, c. 2. Vol. III. p. 297, c. 2.

999. In the Criminal and Dangerous Lunatics Amendment Act, 1871, the term *lunatic* in the title is used as identical with the word *insane* in the text.

1000. Our consideration of these statutory and administrative certificates may be summed up thus: General conclusions as to certification.

We have first the statutory definition of the medical certificate of 1857, which we have just quoted, "that the said A.B. is a lunatic (*or* an insane person, *or* an idiot, *or* a person of unsound mind) and a proper person to be detained under care and treatment." In conjunction with this we have the interpretation of Sec. 3 of that Act: "the word 'lunatic' shall mean and include any mad, or furious, or fatuous person, or person so diseased or affected in mind, as to render him unfit in the opinion of competent medical persons to be at large, either as regards his own personal safety and conduct, or the safety of the persons and property of others, or of the public." The words "insane person," "idiot," and "person of unsound mind" which are in the medical certificate are not here specifically defined. By presumption, therefore, they were all held to be different forms of lunacy, as described above. Subsequently the Lunacy Amendment Act of 1862 repealed the interpretation clause of the Act of 1857 and substituted an interpretation clause drawn more closely in accordance with the words of the certificate—namely, "'lunatic' means a person certified by two medical persons to be a lunatic, an insane person, an idiot, or a person of unsound mind.'" The clause is indeed actually only a repetition of the terms of the certificate, excepting the words "and a proper person to be detained under care and treatment." The individual terms, "lunatic," etc., are not defined, and presumably they are all taken as verbal variations of the word "lunatic"—a view which the general feeling of medical practitioners and the public would appear to confirm. Statutory certificates. Lunacy (Scotland) Act, 1857. Schedule (D) Lunacy (Scotland) Act, 1857, Sec. 3. Spence, Vol. III. p. 8. c. 1. Lunacy (Scotland) Act, 1862, Sec. 1. John Macpherson, Vol. III. 21377, 21378. Leslie Mackenzie, Vol. III. 23375. Russell Vol. III. p. 180. c. 1.

Lunacy (Scotland) Act, 1862, Sec. 1.

But the definition of the Act of 1862 has, it should be added, another drawback also. It, as the above quotation shows, "includes every person *certified* by two medical persons to be a lunatic," etc. Thus, wherever in the text of the Scottish Lunacy Acts the word "lunatic" occurs, prior certification is implied though the circumstances may be such that no formal certification can have taken place. This clearly suggests the necessity for an alteration of the present form of certificate on other and different grounds. See Summary of the Scottish Law and Practice regarding Lunatics, &c. Appendix Vol., V., p. 7.

The words of the administrative certificates are those of the Act of 1857 in the case of the pauper, with the alteration that in the statement of facts "insanity" and "idiocy" are taken as two classes of lunacy; "of unsound mind" in the case of the private or pauper patient, when the former is admitted to a private dwelling, or the latter to the lunacy wards of a poorhouse; "of unsound mind" also in the "emergency" case; "lunatic" and "unsound mind," both taken as equivalent, in a case of liberation; "insane" or "person of unsound mind" in the certificate for reception to a private dwelling. It is evident that all these terms, except in the one context to which we have referred, and in which "insanity" and "idiocy" are differentiated, are but verbal variations of the word "lunatic"; and they do not mean different classes. The word "imbecile" is not found in the forms of certificate or in the definitions in the Acts. Nothing, indeed, is said in the Act of 1862, Section 7, the section which allows the General Board of Lunacy to "grant licences to charitable institutions for imbecile Administrative certificates. Lunacy (Scotland) Act, 1862, Sec. 7.

General conclusions as to certification—*contd.*

children without fee," of any statutory certificate being required on the admission of such children to institutions. But by the regulations of the Board in the case of pauper children application has to be made to sanction the reception of imbecile children into institutions for their training, and the two medical certificates which are required in order to obtain that sanction must state that the certifying medical persons "believe the said child to be of unsound mind, to be capable of deriving benefit from training and treatment in the institution, and to be in a fit state of bodily health for removal thereto." The "imbecile" is thus classed as "unsound in mind," a phrase elsewhere used as equivalent to insane or lunatic. The regulation in the case of "curatory" patients exceeds the terms of the Lunacy Acts and recognises as under the General Board of Lunacy persons who are not even under a "six months" certificate, as suffering from an unconfirmed mental malady, but who suffer from mental imperfection that does not amount to lunacy.

Spence, Vol. III., 21145.
John Macpherson, Vol. III., 21378.
Spence, Vol. III., 2083[7]

Spence, Vol. III., p. 12, c. 2.

We have thus one definition which treats as equivalents to "lunatic," "insane person," "idiot," or "person of unsound mind," and another definition that treats "imbecile" also as equivalent to this last term "person of unsound mind."

1001. We think that it will be generally admitted that this is not satisfactory. The new class of feeble-minded which is now generally recognised as different in grade from the "imbecile" is excluded. The class "imbecile" is in a doubtful position, being certified as "of unsound mind;" and the term "idiot" in the Scottish Act would not now be accepted as coming even administratively under a class termed "lunatic." Thus both in accordance with the sense of public opinion and the general desire to institute some better and more distinctive classification the word "lunatic" is now inappropriate. We accordingly propose that some other more general and more acceptable word be substituted for it.

The form of certificate suggested.

1002. In our recommendations in regard to England we have recommended the use of the word "mentally defective" and submitted variations falling within that term, not merely verbal variations, but variations which on administrative grounds we have thought serviceable. The Scottish Board of Lunacy, as we have seen, has in its administrative certificates adopted the verbal variations of the Scottish Act for different purposes; the pauper lunatic is lunatic or idiot; or in some circumstances of unsound mind; the private lunatic is of unsound mind; the private lunatic who is boarded-out is insane or of unsound mind; the imbecile child is of unsound mind; the curatory patient passes outside the range of lunacy, though he be certified; he stands as an exception and may be certified as suffering from "mental imperfection" only. He may be considered nearer the position of persons dealt with under Sec. 116 (*d*) and (*e*) of the English Lunacy Act of 1890. Our suggestion is to assume such a broad word as the above, not "mentally imperfect" but "mentally defective" as the general term, and to limit the certificate to that, with a reference to the particular class—one of the several categories entered in the instructions at the back of the certificate. In all other ways we would leave the form of the certificate as it stands at present (*see* paragraph 958). This proposal has met with one criticism, but it will in our opinion remove many great difficulties.

Recommendations III. and IV.

1003. The criticism is that drawn from Dr. Clouston and Dr. John Macpherson. Dr. Clouston is asked:—

Clouston, Vol. III., 24331, 24332, 24333.

"When dealing with imbeciles, is there anything to be gained by very fine distinctions of imbeciles into various classes? We have had presented to this Commission a series of definitions which are practically the definitions given in Dr. Mercier's handbook on insanity. You know these definitions; are they of any practical value at all?—They are all very interesting, but I would not say that they are workable. They are exceedingly interesting. Probably every scientist has to go through the stage of constructing definitions.

"These definitions have been before the profession for ten years?—Yes.

"But they have not been universally adopted?—No. When I was younger I used to be rather fond of definitions. I have now largely given them up."

Clouston, Vol. III., 24176.
Clouston, Vol. III., 24337.

And as an interpretation of the present statutory certificate of the Lunacy Act of 1857, Dr. Clouston said "the only definition of insanity in this country is that a case is certified by two doctors." "'Certifiable' is absolutely conditioned by the two words 'care and treatment.' I would say of any case, no

Clouston, Vol. III., 24337—*contd* matter whether it were a case of weak-mindedness or a case suffering from gross delusions, that if it did not require care or treatment, it was not 'certifiable.'"* Dr. John Macpherson dealt with the same question, but with a difference. He recognised that "as a matter of fact, what is known as non-certifiable insanity existed and differed only in degree from certifiable insanity;" and that "the requirement of treatment" "decided the action of the authority who moved for certification." The "basic test" of certification was thus, he thought, to be found in the phrase of the certificate "a proper person to be detained under care and treatment." He thought, however, that "for clinical purposes and purposes of administration, after the person was taken charge of divisions of mental defect into classes were useful, and that the classification of the Royal College of Physicians was probably on that account an excellent one. But as tending to introduce a division between the various grades of mental defect he would deprecate its introduction into Scotland, at any rate; that is to say if that were to be its tendency." Yet even if the phrase "and a proper person to be detained under care and treatment" be "the basic test" of certification, even in this "liberality about certification," there must be some central word by which the particular province of the administration which is in question is defined and restricted. By the Scottish Act this word is "lunatic," with its verbal variations. It might be "of unsound mind." Our recommendation is that it should be "mentally defective," and that instead of merely "verbal variations" there should be a statutory recognition of general classes which actually come under that term, in such a manner as to conduce to better practical administration. The latter part of Dr. Clouston's contention—the requisite breadth of certification—is thus met; but apparently not the former—the alleged inutility of definitions of general classes. "Definitions are not workable," he practically says. But, as we have shown, in point of fact, there must be some definition; the general word "lunacy," on the definition of which the Scottish Act depends, is a definition and workable; and the word which we suggest, "mentally defective," in the same way necessitates a definition, namely, the statement of the various classes that, as we propose, should come under the supervision of the central authority. And, if we may judge from the evidence which has been submitted to us, this definition, too, is workable. Further, experience proves the necessity of recognising the difference between the several classes of mental defect. If all are called "lunatic," there is a disinclination to consider persons who are "feeble-minded" or "imbecile" as "lunatic" and to certify them as such; and rightly, for no one would suggest that the malady in these two cases is exactly the same, or that the treatment of the feeble-minded would be the same as that of the "lunatic," as that word is usually understood, whereas a certificate filled up for the "feeble-minded," for instance, suggests both a difference in mental conditions and a difference in treatment. At present in Scotland the statutory certificate requires that the person afflicted be certified as "lunatic, insane, idiot, or of unsound mind," words which suggest four different classes, but all of which except one—idiot—are used both administratively and popularly as applicable to one class only—the lunatic. Hence an admitted disinclination to certify. We think, therefore, that there is good reason for not being content with some broad general term only, but that it is useful to show that such a term has relation to various classes of mental defect, for which differences in administration, supervision and treatment are recognised as necessary. These classes would be of service as Dr. John Macpherson said, "for clinical purposes and purposes of administration," and except in that sense there is no evidence to show that they would "introduce a division between the various grades of mental defect."

The form of certificate suggested—*contd.*

John Macpherson, Vol. III., 21303, 21304, 21305.

21308.

21307.

21313.

John Macpherson, Vol. III., 21307–21308.

Spence, Vol. III., 20941, 21036.

Recommendation IV.

Clouston, Vol. III., 24331–24333.

John Macpherson, Vol. III., 21313.

Recommendations I to IV.

1004. We accordingly recommend that in the form of certificate which is now in use in Scotland the words that define the mental defect be altered, but that the certificate remain otherwise as it stands at present. In this way a wider range of mental defect would be recognised than under the present certificate. And consistently with this change we recommend that there be one central authority for "the general protection and supervision" of all mentally defective persons and for the regulation of the various methods adopted for their treatment and maintenance, and the institutions, private dwellings, or families where they are maintained; and that the central authority be not a General Board of Lunacy, but should adopt some more general title indicative of the larger

Spence, Vol. III., 20794.
John Macpherson, Vol. III., 21301, 21362.
Motion, Vol. III., 21723.
Russell, Vol. III., 23745.
Cluckie, Vol. III., p. 190, c. 1.
Guthrie, Vol. III., p. 231, c. 2.
Sutherland, Vol. III., p. 238, c. 1.
Allen, Vol. III., 25065.

scope of the work which would now devolve on it; also that an Act be passed amending the Scotish Lunacy Acts and bringing them, with provisions for the mentally defective generally, into one legislative measure.

Question of the sufficiency of the present system of providing for the mentally defective

1005. We have now to turn to a difficult question—the sufficiency of the Scottish system, as it now stands, to provide for the mentally defective of all classes. Our conclusion was that there were some not unimportant shortcomings in the present administration; that there was on the part of the parish councils a disinclination to deal with cases, for which provision might be made under the law as it is now interpreted and applied; that there was a want of unity between the administration of the District Boards of Lunacy and that of the parish councils; and that this led to want of economy in the use of asylum accommodation for persons who might be otherwise treated, and, generally, to divided interests and responsibility. If, as is alleged and as we are led to believe, this state of things prevails, the alternative lies before us of making such recommendations as would tend to promote greater activity and the recognition of a larger responsibility on the part of the parish councils, or of making recommendations which would have for their object the transference of responsibility to some other body.

Possibility of developing the Parish Council system.

1006. Now it is obvious that though the administration of the Lunacy Acts, so far as they refer to pauper lunatics, is part of the recognised work of the parish councils, these councils are mainly engaged and interested in the administration of poor relief; and the duty of ascertaining who are mentally defective and for whom provision should be made and in what manner is a different and special department of work. But it may be argued that in Scotland the administration of poor relief and, in connection with pauper lunacy, the administration for the care of the mentally defective is so inextricably fused into one that no transfer of the duties of caring for the mentally defective to any other body, whose sole business and concern they should be, can be carried out successfully. In that case, in the new circumstances that have now arisen—namely, the necessity of dealing not only with persons certifiable under the Lunacy Acts, but with other classes of persons who cannot now be so certified—it is a question whether any supplementary proposals can be advocated which would lead to greater attention being paid to these cases and would in some measure meet the difficulties which we have mentioned. If then the present system be retained, by which the parish councils maintain the mentally defective, settle who should be boarded-out and control the discharge of unrecovered patients, we would suggest: (1) That there should be inquiry made by the General Board of Lunacy in regard to the number and the nature of cases of mental defect in the several parish areas or the districts of the District Lunacy Boards, and especially in regard to the cases of persons who are mentally defective but who do not now come under the Lunacy Acts; (2) that there be a system of notification of all cases of mental defect by local authorities to the General Board; and (3) that the Board be authorised to enforce a proper treatment of all these cases by the parish council from the point of view of maintenance and by the District Board from that of suitable provision. The General Board have already a similar power under Sec. 18 of the Lunacy (Scotland) Act of 1862, By that section, if a parish council "after requisition by the Board, shall refuse or neglect for twenty-one days after such requisition to provide for the removal of a pauper lunatic to an asylum, house, or lunatic ward of a poorhouse, the Board may take such measures as may be necessary for the removal . . . and the whole expenses . . . shall be recoverable by the Board . . ." This power is applicable to "lunacy" cases only under the present law; it might, we suggest, be extended to all other cases of mental defect.

The Lunacy (Scotland) Act, 1866, Secs. 9, 10, 11.

The Lunacy (Scotland) Act, 1862, Sec. 18.

Development of the District Boards of Lunacy recommended. Recommendation VII.

1007. The other method of administration which we recommend and which in our opinion would best meet the difficulties to which we have alluded is the extension of the powers of an existing administrative body in such a way that it should become the sole local authority in each district for dealing with the mentally defective, providing for them and maintaining them. In Scotland the local authority under the Inebriates Acts, 1879 to 1900, is the council of any county or burgh; but, so far as our evidence goes, it does not seem that the proposal has ever been made that the council of the county or burgh should

become the local authority for lunacy or mental defect, acting in connection with a Statutory Committee as in England. Indeed, the more recent suggestions for the revision of the Inebriates Acts include a clause for allowing to parish councils the same powers for the establishment and maintenance of an inebriate reformatory as the county councils and burghs now possess. It cannot well be proposed, therefore, that these bodies should be the local authorities for the care of the mentally defective in Scotland.

Development of the District Boards of Lunacy recommended—*contd.*

Copy of Inebriates Amendment (Scotland) Bill. Vol. III. p. 347.

1008. For lunacy purposes Scotland is at present divided into the following Districts, each district being under a District Board of Lunacy:—

Counties from which the different Districts are formed.	Lunacy Districts arranged geographically.
Shetland	1. Shetland District.
Orkney	2. Orkney do.
Caithness	3. Caithness do.
Inverness, Nairn, Ross, and Sutherland,	4. Inverness do.
Elgin	5. Elgin do.
Banff	6. Banff do.
Aberdeen	7. Aberdeen County, consisting of all the parishes of Aberdeenshire, except Aberdeen City Parish. 8 *Aberdeen City, consisting of the parish of that name.
Kincardine	9. Kincardine District.
Forfar	10. Forfar District, consisting of all the parishes of Forfarshire, except Dundee Combination. 11.*Dundee District, consisting of the parish of Dundee Combination.
Perth	12. Perth District.
Stirling, Dumbarton, Linlithgow, & Clackmannan	13. Stirling do.
Fife and Kinross	14. Fife and Kinross District.
Edinburgh and Peebles	15.*Edinburgh District, consisting of the parish of Edinburgh. 16.*Leith District, consisting of the parish of Leith. 17. Midlothian and Peebles District, consisting of the remaining parishes of Midlothian and of the county of Peebles.
Haddington	18. Haddington District.
Roxburgh, Berwick, and Selkirk	19. Roxburgh do.
Lanark	20.*Glasgow do. (Consisting respectively of the parishes of the same names.) 21.*Govan do. (Consisting respectively of the parishes of the same names.) 22. Lanark do. Consisting of remaining parishes of Lanarkshire.
Renfrew	23. Renfrew do. Consisting of parishes of Renfrewshire, including entire parishes of Cathcart and Eastwood, which are partly within Lanarkshire.
Argyll	24. Argyll do.
Bute	25. Bute do.
Ayr	26. Ayr do.
Dumfries, Kirkcudbright, and Wigtown	27. Dumfries do.

* In these cases the parish council acts also as the District Lunacy Board. All are large urban parishes.

1009. These District Boards were established "with a view to the erection of asylums for the reception and care of pauper lunatics," and they have to provide requisite accommodation for the district subject to proceedings that may be taken against them by the General Board of Lunacy, if they fail to do so. The specified expense of providing this accommodation is apportioned by the General Board upon the landward parts of counties and upon the burghs respectively within such districts, and the necessary assessment is made and collected by the county and burgh authorities. The expenses of a District Board where there is no district asylum are met out of the county general assessment, and by each burgh, as the case may be. As the above list shows, the Districts are already mapped out on very satisfactory geographical lines for administrative purposes. These districts may be altered or varied by the Board "on the

Lunacy Act, 1862, Sec. 9. Prisons Act, 1877, Secs. 61, 62. Lunacy Act, 1857, Secs. 53, 54, 55.

Lunacy Districts (Scotland) Act, 1887, Sec. 1.

Development of the District Boards of Lunacy recommended—*contd.*

application of the commissioners of supply of any county interested, or the magistrates of any burgh interested, or the parish council of any parish or combination interested"; and the Board, "where any such altered or varied districts shall consist of one parish only or combination, may, if they think fit, appoint the parish council of such parish to be the District Board of such district," subject to the sanction of the Secretary for Scotland; and the Board have also other large powers of regulation, subject to the same sanction. In Scotland the counties are of very unequal size and the population is largely drawn to a few urban centres, but sparsely distributed over the country generally. Hence neither county nor burghal areas taken by themselves are suitable divisions for the supply of accommodation or provision for the mentally defective. The districts of the District Boards, on the other hand, may be adjusted to meet the needs both of urban, rural and mining districts, the county, or a group of counties, or the burgh, as may seem best. These Boards are also, as we have seen, already responsible for the supply of asylum accommodation for "lunatics," and their expenses are a charge on the district. It would appear, therefore, that the responsibility of providing directly or indirectly for all classes of the mentally defective, as well as for "lunatics," might rightly devolve upon them.

Spence, Vol. III. 21179.

Their power of appointing visiting committees of asylums might be exercised; and might be utilised in the case also of other institutions, "colonies" or boarding homes or other institutions, supported by them, for the care of the mentally defective in their districts, for they might have power to contract with any Poor Law or other public authority, public or voluntary agency or private persons, as they might deem it advisable, a power that might be freely exercised and, though, if it were thought well, the arrangements for boarding-out might be left in the hands of the parish councils, they, instead of the parish councils, might be made responsible for settling which patients should be boarded-out on their leaving asylums or other institutions and which should not. Further, the charges for maintenance in cases of mental defect might be removed from the smaller area of the parish to the larger area—as it usually is—of the District Board. This would be fairer to parishes which have a low assessment, as in many landward parts of the districts, and it would remove one obstacle in the way of a sufficient treatment of patients, the charges for whose care and maintenance must in many instances be comparatively heavy, and certainly larger than they would be in the case of paupers who are in receipt of ordinary indoor relief. To provide more effectually and economically for the smaller classes of mentally defective persons ample powers of combination might be given to the District Boards—a course which is in our opinion much more satisfactory than, as has been suggested, to make the General Board of Lunacy, the chief inspecting and supervising body of the country, itself also the provider and manager of institutions for these classes. Thus the administration for the care of the mentally defective would devolve entirely on the District Boards and be dissociated from the administration of the Poor Law.

Recommendation VII.

1010. Accordingly we recommend: "That under the proposed Amending Act for the Care and Control of the Mentally Defective, the District Board of Lunacy—to be called the District Board for the Care of Mentally Defective Persons—be the Local Authority, and be required by Statute directly or by contract with other authorities or persons to make suitable and sufficient provision for the care and control of the mentally defective in their area in institutions, houses or homes, in observation or reception wards, or by 'boarding-out,' or in any other way of which the Board of Control shall approve."

Recommendation IX.

In making this recommendation we fully realise that, as we have also recommended, it will be necessary for the local authorities—the District Boards—to appoint a specially qualified medical officer or officers to assist them. Also, in order that economy may be considered and that there may be no breach of continuity in the local administration, we recommend that the statutory duties of the Inspectors of Poor with regard to lunatics be extended to all cases of mental defect, and that the services of Inspectors of Poor be, by arrangement, placed at the disposal of the District Boards.

Recommendation VIII.

Grants in aid.

1011. In Scotland a fixed contribution of £90,500 is made by the State towards the cost of maintenance of pauper lunatics under Section 22 (5) of the Local

Government (Scotland) Act, 1889. This is supplemented by a further fixed contribution of £25,000 under Section 2 of the Education and Local Taxation Account (Scotland) Act, 1892. In allocating the grant all expenditure over 8s. a week is excluded, expenditure under and up to 8s. is treated as "admissible expenditure", and the grant is apportioned upon such expenditure so much per £ as far as it will go. The State contribution for the year 1905–1906 was equal to about 3s. 3¼d. per week for each patient, however provided for, for whose maintenance a sum was paid equal to or exceeding 8s. a week. The effect of the grants in Scotland is similar to that in England; and we recommend the adoption of the method of financial aid proposed by Lord Balfour of Burleigh, Sir Edward Hamilton and Sir George Murray, as we have in the case of England, but, failing that scheme, we recommend a continuance of grants from the Exchequer in accordance with the second and alternative recommendation which we have made. Grants in aid.—*contd.* Spence, Vol. III., p. 13, c. 1. Barclay, 23437–23440. Spence, Vol. III., 20982-4, 20992-5, 21151–21163. Russell, Vol. III., 23769. Cf. pp. lxxv.-lxxvi., the 49th Report of the Commissioners in Lunacy for Scotland. Recommendations XIII., below, and XLI. as to England and Wales, above.

If the changes which we propose were made, the grants from the State, under whatever plan they were allocated, would go to the local authority—the District Lunacy Board for the care of the mentally defective—and not to the parish council. The District Board would maintain its patients and would therefore receive the grants direct, instead of as at present, the District Lunacy Boards charging the actual costs against the parish councils, and the parish councils receiving the grants in rebate of that cost.

1012. It would appear that the cost of asylums in Scotland has been in some instances excessive, as in the case of Woodilee and Bangour. It may be a question whether, with a view to economy, the plans and specifications for asylums should not be submitted to the Secretary for Scotland, following the English usage. We recommend that the accounts of the local authority which makes provision for the accommodation of mentally defective persons, should be audited by a Government auditor. The specifications for tenders and contract prices should be examined by the Board of Control. Whatever other changes may be made, we think that this recommendation should, in any case, be made applicable to all District Boards of Lunacy. Excessive expenditure and audit. Motion, Vol. III., 21678. Cf. p. lxv., the 49th Report of Commissioners in Lunacy for Scotland. Recommendation VI. Recommendation XIV.

1013. We understand that the Judicial Factors Act of 1880 covers all the classes which are mentioned in our Recommendation III. But if it does not, it should, we think, be extended. It would then, if it does not already do so, serve the purpose of the amendments which we propose should be made in the law of England by the extension of the principle of Sec. 116 (*d*) and (*e*) of the Lunacy Act of 1890 to all these classes. "By the Judicial Factors Act of 1880 the power of appointing judicial factors in cases of estates the yearly value of which does not exceed £100 was extended to the Sheriff Courts in Scotland." By the procedure in force, "a petition is presented to the court by either the *incapax* himself, his relations, or, failing relations, any parties interested." We think that the local authority should have power to petition for the appointment of a judicial factor in these cases, if the relatives do not act; they should also be enabled to petition the court on the request of the relatives and to act for them. To the valuable provisions of the Scottish law for supervising and controlling the estates of persons found by the court to be incapable of managing their own affairs or of giving instructions for their management we have referred at length in Chapter XXXVI. Benefits of curatorial management should be extended. Guthrie, Vol. III., 24649. Brown, Vol. III., p. 41, c. 2. Sutherland, Vol. III. 24849. Brown, Vol. III. p. 42. c. 2. 21482. Recommendation XLI.

In a communication addressed to us by the General Board of Lunacy attention is drawn to Section 81 of the Lunacy (Scotland) Act of 1857, which authorises the Board, if "they have reason to believe that the property of any person detained or taken charge of as a lunatic is not duly protected by being placed under the management of a judicial factor . . . to report in writing to the Lord Advocate; and it shall be competent for the Lord Advocate . . . to make application to the Court of Session . . . to cause the matter to be investigated, and to appoint a judicial factor to such lunatic, with a view to the proper care and protection of his property." "This section," the Board state, "is expressed in such terms as to render it inapplicable to many cases where protection is required." We think it should be revised in the amending Act which we propose, and in which the benefits of the section should be extended to all the classes which come under Recommendation III. See Summary, Vol. III., p. 328c. Recommendation XLI.

Administrative powers of Board of Control.
Recommendation VI.
Spence, Vol. III. p. 9. c. 1.
Lunacy (Scotland) Act, 1857, Sec. 9.
Lunacy Act, 1890 (England and Wales), Secs. 230 to 238.

1014. In Recommendation VI. we make several suggestions in regard to administration which chiefly concern details and respecting which there is, we believe, general agreement. We are of opinion that the General Board of Lunacy should have the same powers of superintendence, management, direction and regulation in the case of Royal asylums as they have under Sec. 9 of the Lunacy Act of 1857, in the case of public, private, and district asylums. To make this change is to follow a precedent that has been found to work well in England; and it seems to us essential, if the whole provision made for the mentally defective in Scotland, including the imbecile and feeble-minded, is to be effectually controlled.

Further, it appears to us that the fifty-first section of the Lunacy (Scotland) Act of 1857 should apply to all asylums, and not to district asylums only. The General Board of Lunacy would then have power to require that in the case of Royal hospitals all plans should be submitted to them, and passed by them, just as in the case of district asylums. This, too, appears to us important, if the care of all classes of the mentally defective are to come under one authority, and the institutions for their maintenance are to be used, extended, and adjusted for their several needs.

On similar grounds, we are of opinion that the General Board should have power to regulate the number of patients of each sex who may be admitted to Royal and to district asylums alike.

Paying patients.
Spence, Vol. III. p. 9. c. 1.
Recommendation XII.

1015. Also we think that district asylums and any other institutions that may in the future be established for the care of the mentally defective should be authorised to supply accommodation to poorer patients at fixed prices, so that the number of so-called pauper patients may not be indefinitely and unnecessarily extended.

Private patients.
Spence, Vol. III. p. 11. c. 2.

Spence, Vol. III., 21005–21008.

Recommendation XX.

1016. In regard to private patients, we are of opinion that Sec. 14 of the Lunacy (Scotland) Act of 1866 should be strengthened. It enacts, that "if any occupier or inmate of any private house shall keep or detain therein without the order of the sheriff or sanction of the Board any person as a lunatic although not for gain beyond the period of one year, and the malady is such as to require compulsory confinement to the house, or restraint or coercion of any kind, such occupier or inmate shall intimate the case to the Board, and shall state the reasons which render it desirable that such lunatic should remain under private care . . ." We recommend that this section should be amended so that all mentally defective persons, and not merely "lunatics," should be included in it. Moreover it would appear desirable when amending the section to provide that notification of the case to the Board should be required within a much shorter period than one year—if, indeed, it should not be required at the outset of the detention; so that notification should be necessary, not only when there is "compulsory confinement" or "restraint or coercion of any kind," but altogether apart from such conditions; and so that the Board should be able to intervene if there is any ground for believing that the patient is neglected or cruelly treated.

Protection of female patients in institutions for the mentally defective.

See Summary of certain points, etc. Vol. III., p. 328c.

Recommendation XLII.

1017. The question as to the protection of female patients in asylums from sexual abuse is summed up in the Statement of the General Board of Lunacy:—"Recent cases have shown that sexual intercourse between an attendant or other person in or near an asylum, whether an employee of the asylum or not, is not under certain circumstances legally regarded as 'abuse' in the sense of Section 99 of the Act of 1857. On the other hand, the provisions of Section 5, Subsection (2) of the Criminal Law Amendment Act, 1885, have been found inapplicable, because the patient, though insane, was not a congenital 'imbecile or idiot' in terms of that Act." The General Board of Lunacy suggest an amendment of the Lunacy Acts so as to provide for the protection of female patients from sexual abuse by anyone knowing the patient to be such. We think that the amendment suggested should extend to all institutions and places in which mentally defective women are maintained.

1018. In regard to the present law affecting parish councils, it has been pointed out to us in evidence, on behalf of the General Board of Lunacy, that the order of the Board for the removal of a lunatic to an institution is sometimes evaded by the removal of the lunatic from the poor roll. Removal from the Poor Roll.

Under Sec. 30 of the Poor Law (Scotland) Act of 1845 the parish council hold at least two meetings in every year at which they revise and adjust the roll of paupers and their allowances. Generally speaking, "Any person disabled from working either by age or by mental or bodily infirmity, and widows or deserted wives who are burthened with infant children, and children under fourteen, are entitled to relief from the parish, who will have recourse against any relatives who may be liable in law to support the applicants." Parochial relief granted to a pauper lunatic results in the name of the lunatic being placed on the roll and on the name being registered in the register of the General Board of Lunacy. If the recipient of relief were a lunatic living in his own family this would hold good equally. In such cases it may be reported to the Board that the lunatic—as for instance, a female of child-bearing age living with her own relations—is insufficiently protected or is cared for in a manner which does not meet with the approval of the Board's officials. The Board would then remonstrate, and if their remonstrances were ineffectual, they would order the removal of the lunatic to an institution. If the relatives object to this they can evade the order by removing the patient from the poor roll. All that it is necessary for them to do with that object is to apply to the parish council and to undertake full responsibility for the maintenance and care of the patient; and the parish council will then grant them a minute for the removal of the patient's name from the roll. The whole purpose of the Board is thus frustrated, with, sometimes, very bad results indeed. We would advise (1) that the parish council be not entitled to remove the name of a lunatic from the roll without notifying the case to the General Board of Lunacy beforehand, so that the Board may be able to intervene, if they so desire; and (2) that the Board in cases of neglect or insufficient care have power to remove the patient to an institution on an order from the sheriff to that effect.

Graham's Poor Law and Parish Councils Acts, 1897, p. 151. Spence, Vol. III. p. 12. c. 1, and p. 13. c. 1.

See Forms Vol. III. p. 283, *et seq.*

1019. Another question turns on a definition. It, like other points which we have raised, confirms us in our view of the necessity of remodelling the Scottish Lunacy Acts. In Section 3 of the Lunacy (Scotland) Act 1857 the word "house" is defined as "any house in which a single lunatic is kept under an order of the sheriff." But the procedure of petition to a sheriff for the committal of a patient to a house has fallen into disuse. By Section 14 of the Lunacy (Scotland) Act 1866 a person may be detained in a "private house" as a lunatic, with the sanction of the General Lunacy Board, as well as by the order of the sheriff. Hence in these cases the former procedure, which is both simpler and more economical, has come to be the only method in force. But not only is this the case. There is no other definition of the word "house" in the Acts. Thus an important provision made in Section 99 of the Act of 1857, so far as it refers to houses is practically nullified. By that provision "if any superintendent, inspector, officer or servant or other person employed in any public, private or district asylum or *house in the terms of this Act* or otherwise, having the care of any person detained as a lunatic patient under this Act, shall wilfully maltreat, abuse or neglect any person so detained to the injury of such person . . . he is liable to punishment." But the word "house" bears here the formal interpretation of the Act of 1857, now altogether out of date; and it does not apply to the numerous private dwellings in which, not by order of the sheriff, but by the sanction of the Board, so many patients in Scotland are now boarded out.

The definition of a "house" in the Scottish Lunacy Acts. Lunacy (Scotland) Act, 1857, sec. 3. Spence, Vol. III., p. 11, c. 2. Lunacy (Scotland) Act, 1857, sec. 99.

We recommend accordingly: That the definition of the word "house" in Section 3 of the Lunacy (Scotland) Act of 1857 be repealed, and that in the proposed amending Act the following definition be substituted for it; namely, "the word 'house' shall mean a private dwelling, whether it be specially licensed or not."

Recommendation XLIII.

1020. In regard to settlement, by Sec. 75 of the Scottish Lunacy Act of 1857, "The residence of any pauper lunatic in any district asylum shall be deemed to be the residence of such lunatic in the parish legally chargeable with the maintenance of such lunatic." We think that this rule should be extended and should apply to the residence of all mentally defective persons in any institution, hospital, establishment, or home licensed for the accommodation, maintenance, care, treatment, education, training or control of any of the classes of mentally defective persons.

Settlement. Lunacy (Scotland) Act, 1857, sec. 75.

Recommendation XV.

Franchise.
Motion, Vol. III., p. 52, c. 1. 21846-21850.
Spence, Vol. III. p. 14, c. 2.
Local Government (Scotland) Act, 1894. Secs. 10 (1), 23 (2), and 27 (1); and Burgh Police Act, 1892, Sec. 31.

1021. Mr. Motion, Inspector of Poor, Glasgow, states that "Every case of lunacy taken over by the parish council pauperises the sufferer except in the case of a dependant wife or child." The right to the franchise in Scotland depends on the payment of rates. In the case of a dependant wife or child this question cannot arise; the head of the family pays the rates. Therefore if he becomes a recipient of poor relief, thus ceasing to be an independent ratepayer, he loses the franchise; but if his wife or child receive relief, he does not lose the franchise. In Scotland, therefore, no special provision for preventing the loss of the franchise, local or parliamentary, in the case of a ratepayer whose mentally defective dependant receives relief is necessary.

VI. Epileptics.

Establishment of epileptic colony homes.
Clouston, Vol. III. p. 200, c. 2.

Ireland, Vol. III. p. 194. c. 1., 23998.
Thomson, Vol. III. 24410.
Motion, Vol. III., 21825, 21826, Vol. III., 21691.
Henderson, Vol. III. 23613, 23614.

1022. There are no sufficient statistics of sane epileptics in Scotland. Dr. Clouston states that "51 per cent. of all epilepsy comes on before fourteen years of age and 95 per cent. before twenty-five. This shows its definite relationship to the developmental period of the brain." Dr. Ireland considers that half the epileptics are sane—a rather optimistic estimate. He suggests a total of the number of epileptics, but it is evidently based on an insufficient count. As in some of the unions in England (*see* Chapter XLII.), so proposals have been submitted to "the general committee of the parishes of Edinburgh, Glasgow and Govan in connection with the erection of suitable homes for epileptics throughout the country." These homes would be for pauper epileptics only, and would take over the epileptics who are now in the poorhouses, which it is admitted are quite unsuitable for them.

Preamble (1). Recommendation XXXVII.

1023. Suitable provision for epileptics is entirely wanting. We think that colony homes should be established for them apart from the Poor Law, and that the homes should be provided for mentally defective epileptics by groups of district boards according to generally ascertained requirements. As regards epileptics not mentally defective, for whom it is thought the demand for provision would be small, we have recommended that the local authority should be authorised to consider and deal with these cases and to provide for their accommodation and maintenance, care, treatment, education, training and control, and with regard to them should have the powers referred to in Recommendations VIII–XVI (inclusive), and in Recommendations XXV–XXXVI (inclusive), so far as may be necessary.

VII.—Glasgow and the Mentally Defective.

The Medical Investigators' Reports as to Glasgow.

Vol. VI., p. 369.

1024. Glasgow in its arrangements for the care of mentally defective persons stands apart from the rest of Scotland, and we have thought it well to consider and report upon it separately. In Glasgow, too, but not in other parts of Scotland, has a medical investigation been made in regard to the number and distribution of mentally defective persons there resident. To this inquiry we will now turn. At Glasgow it was not undertaken, as elsewhere, by a single medical investigator appointed specially for the purpose, but by Dr. Chalmers, the Medical Officer of the City of Glasgow, Dr. Oswald, the Physician Superintendent of the Royal Asylum at Glasgow, and Dr. Carswell, the Certifying Physician in Lunacy for the Glasgow Parish Council and Examiner of Defective Children for the Glasgow School Board, assisted by a corps of eight medical men, "all of them practitioners of standing and some of them having had earlier experience in co-ordinated inquiry." It was thus made practically by the officers of the local authorities with other local assistance.

The area of the medical investigation.
Vol. VI. p. 369, and Tables pp. 69, 73, 55.

1025. The area selected for the investigation was purely urban. It corresponded with the area of the Glasgow School Board, and of the municipality prior to the extension of the boundaries in 1891. The population within it was 623,829 according to the Census of 1901; and the general result of the investigation was to find that in this population 1,614 persons, or ·26 per

cent., fell under some one or other of the mentally-defective classes in the schedule of inquiry. This is a very remarkable result. The figure is considerably less than the number in any of the large towns in England or Ireland, except Hull with Sculcoates, and Cork. The percentages elsewhere run from ·42 (Belfast), ·45 (Manchester), ·50 (Stoke-upon-Trent), ·55 (Birmingham), up to ·84 (Dublin). In Cork the percentage is ·27, and in Hull and Sculcoates it is returned at ·20.

The area of medical investigation—*contd.* Vol. VI., p. 369. and Tables pp. 69, 73, 55.

(1) Poor Law Institutions.

1026. In Glasgow, then, we are dealing with a city which, judged by other standards, is singularly free from mental defectiveness.

To the several groups in the schedule of investigations we will refer in turn. First then, in reference to the Poor Law :—

Poor Law institutions and outdoor relief.

Mr. Motion, the inspector of poor to the parish of Glasgow, stated tha in that parish on May 15th, 1906, the number of paupers relieved was 11,418 with 5,258 dependants. Of these there were in poorhouses 3,642 paupers with 282 dependants, while the lunatic poor " in asylums and institutions for imbeciles" was 1,709, together with 438 in private dwellings. Thus of the total paupers in the parish, including dependants, 2,147, or 13 per cent., were certified under the Lunacy Acts. At the time of the medical investigation it was ascertained that (apart from the certified insane or imbeciles) of 4,031 inmates in the institutions of the Glasgow parish, 399 were mentally defective or epileptic, representing a ratio of 9·9 per cent.*

Twelfth Report of the Local Government Board for 1906, pp. 340, 341.

If we may judge by the figures of other cities, these figures represent approximately the number that one might fairly expect to find in an urban poorhouse and poorhouse hospital, though local conditions and habits in particular towns sometimes affect numerical results very greatly.

Vol IV., p. 59, col. 16, and Table IV., p. 69, col. 16.

Mr. Motion stated that the position of the inspector of poor in reference to the care of the mentally defective was as follows :—

" The inspector of poor is the administrative officer of the parish council; while the parish council is the only local authority responsible for mentally defective persons, whether children or adults, and whether the defect is congenital or acquired. The inspector is responsible for finding accommodation for all such cases, and this may be done in either of four ways :—(1) By committal to the lunatic asylum ; (2) to lunatic wards of poorhouses ; (3) by boarding-out in private dwellings in the country, and (4) in imbecile institutions. In Scotland, the parish takes up and deals with all persons requiring relief either from poverty, destitution, illness, or insanity ; under which latter head we include imbeciles, idiots, and feeble-minded persons, where their parents or guardians are unable to continue to take care of them, or provide for them in a proper manner.

Motion, Vol. III., pp. 51 and 52.

" While certified lunatics cannot be admitted to ordinary poorhouses the parish of Glasgow is peculiar in having had for several years, at Barnhill Poorhouse, observation wards to which doubtful cases of insanity and cases of *delirium tremens* could be sent for a limited period. This experiment was so satisfactory that, on the erection of our eastern district hospital, a separate block to accommodate fifty patients was provided entirely for mental cases of a similar description. These wards, opened in June, 1904, have been of the greatest service in preventing cases being sent to the asylums.

" The parish medical officers, including our certifying physician in lunacy, determine whether each applicant is lunatic or not, and, according to their certificates, each case is afterwards classified for our different institutions if indoor relief is required. Every case of lunacy taken over by the parish council pauperises the sufferer, except in the case of a dependant wife or child."

1027. Mr. Henderson, the Governor of the Barnhill Poorhouse at Glasgow, in which, it is clear, a very low class of population is received, furnished us with some evidence in regard to the indoor poor at Barnhill, which supplements the above figures in some measure. He submitted tables showing that of 5,588 males admitted in the ordinary wards of the poorhouse in 1905, 4,444 or 79·5 per cent. came from the " models," and only 1,144 or 20·5 from private houses ; that 5,334 or 95·5 per cent. drink, and that only 254 or 4·5 per cent. do not drink,

Henderson, Vol. III., p. 168, c.l.

* This figure, it will be understood, excludes 113 children and adults in the Govan Combination Poorhouse of Merryflats and sixty-six children in Larbert Institution. It refers, therefore, not to the Poor Law institutions in the whole area selected for investigation, but to those which are in part of that area only, namely, in the Parish of Glasgow (Vol. VI., p. 375).

Poor Law institutions and outdoor relief—*contd.*

and that 51·1 had been in prison. These figures indicate that the persons admitted to the poorhouse are to a large extent of the lowest grade in the city. Further, in February, 1906, there were in the poorhouse 104 men and 113 women who were, in Mr. Henderson's opinion, feeble-minded or epileptic. They were "persons who certainly were giving indications of weakness of mind," but the medical officer to whom the list was submitted said "that not half a dozen of them could be certified," though he agreed that they were feeble-minded; and "probably," Mr. Henderson stated, "there were a great many more in the house." The number of paupers in the poorhouse on the night of March 31st was 2,047: males, 1,264; females, 783; and the 217 feeble-minded and epileptic persons counted among the inmates in February give 10 per cent. as the number of feeble-minded in the poorhouse population, a figure almost the same as that of the medical investigators.

Henderson, Vol. III., p. 169.
Henderson, Vol. III., p. 171.
Henderson, Vol. III., 23555, 23627-23629.
Henderson, Vol. III., p. 171.
Henderson, Vol. III. 23623, 23626, 23598.

Vol. VI., p. 376.

Of all the mentally defective who are receiving indoor relief in the city poorhouses the Glasgow investigators report most satisfactorily: "The mentally defective," they state, "receive adequate accommodation and care, and where structural arrangements render it possible they are segregated or distributed throughout the wards as seems most desirable, and they are quite under control.'

Mentally defective children.

1028. Of the children who are insane, idiot or feeble-minded, the Glasgow Parish Council sends to the home at Larbert sixty-eight, and to that at Baldovan nineteen cases, while thirty-two are sent to the children's asylum connected with the asylum at Woodilee. Accommodation for 250 defective children was required, Mr. Motion considered, in an institution, not in an asylum.

Motion, Vol. III., 21736, 21741, 21744.

Vol. VI., p. 380.

Of these, too, the Glasgow investigators report most satisfactorily: "The children," they say, "receive such ordinary elementary education and industrial training as they are fitted for. They are well cared for and are completely under control; the management successfully directs considerable attention to providing the condition of a happy life for these children."

Vol. VI., p. 380.

Of the boarded-out children it was not possible to make investigation. The clerk of the parish council stated, however, that the number of mentally defective among them was small.

Mentally defective persons in receipt of outdoor relief.

1029. In regard to persons in receipt of outdoor relief, a list of persons who might be considered mentally defective was obtained from the Poor Law authorities, and these were examined at their houses. The report of the Glasgow investigators in regard to the cases they noted as defective, twenty-one in all, is not so entirely satisfactory: "They (these cases) range from the imbecile who can do nothing to the sane epileptic who cannot get enough employment owing to the recurrence of his malady. The feeble-minded form half of this group. Some of them do light work, others only loaf. The one of unsound mind is a sailor and lies in bed all day. He is suspicious and has delusions, so that his wife is much afraid of him. He should be in an asylum. One of the feeble-minded women is the mother of an imbecile on the list."

Vol. VI., p. 380.

"Ins and-Outs."

1030. In the course of the evidence the Glasgow witnesses drew our attention specially to the "ins-and-outs." Of 6,538 men, 3,318 women, and 192 children, 993 were admitted three times during the year 1905, 512 four times, 290 five times, 164 six times, and so forth; and it was alleged that the bulk of these "ins-and-outs" were mentally defective persons who could not be certified as "lunatics" and should be detained compulsorily in poorhouses or labour colonies. The following are one or two cases of this kind which are cited as typical:—

Henderson, Vol. III., p. 169.
Motion, Vol. III., p. 53, c. 2.
Motion, Vol. III., 21706.

"Record 4–53–106. J. M., 69, painter, nineteen re-applications of which twelve were from 5, Paul Street, where wife and family resided; and seven from Glasgow Cross 'Houseless.' Certified seven times lumbago; catarrh four; rheumatic pains, two; able-bodied, six. Applied first in 1879, and since then has made 202 reapplications, and wife twenty-four. He has been a few times in asylum and prison.

Motion, Vol. III., p. 52, cols. 2.

"Record 3–70–239. W. M., 45, labourer, single, fourteen reapplications; from Drygate Model, four; Night Asylum, four; Portugal Street, one; McAlpine Street Model, one; and four times 'Houseless.' Certified catarrh, four; rheumatics, three; diarrhœa, two; and able bodied, five; applied first in October, 1884, and has made 135 reapplications up till May 15th, 1905.

"Record B4–318. J. M., 45, weaver, single, thirteen reapplications; twice from Salvation Army Home; once each from Cumbernauld, Campsie, Kirkintilloch, and Kilmarnock; twice from Duke Street Prison; and five times 'Houseless.' Certified alcoholism, four; debility, four; footsore, two; bronchitis, three; applied first in September, 1885, and up till May 15th, 1905, she has been considerably over two hundred times chargeable in poorhouse and has been over eighty times in prison for drunkenness and immorality. She has also been in the asylum." "Ins-and-Outs." Motion, Vol. III., p. 52, c. 2.

Unfortunately on this question the report of the investigators throws no light.

1031. Taking these classes in turn—the mentally defective in the poorhouses, the mentally defective children, and the "ins-and-outs," we are of opinion that for the mentally defective who form a considerable part of the population of the poorhouses, provision other than that now available should be made. We do not think that the accommodation provided at Stobhill or Barnhill is suitable as a permanent abode for mentally defective persons generally. Better and more suitable provision could, we think, be made as economically elsewhere. Of the mentally defective who are not "insane," about half (seventy-two) are in the Poor Law hospital at Stobhill, and the other half (seventy-six) at the Barnhill Poorhouse. The maintenance of inmates per head per week in an urban poorhouse is stated to be 5s. 3¼d., and in a large hospital such as Stobhill, 10s. 9½d. The charge for maintenance in a colony where there was no large expenditure on an educational staff should for some classes of the mentally defective not exceed 6s. 4d. per week, the sum now payable by the Glasgow Parish Council for children sent to the Home attached for uneducable children to the asylum at Woodilee. The outlay on the land and buildings also would be much lower than £340 a bed, the sum paid for the Woodilee Home; it should not, we think, exceed or much exceed, £100 per bed. The mentally defective in poorhouses. Motion, Vol. III., 21752, 21755–6, 21681, 21684. Motion Vol. III., 21678.

1032. Next, in regard to the mentally defective children; for these we think that provision should be made outside the poorhouses. Mentally defective children in poorhouses. John Macpherson, Vol. III. p. 30, c. 2.

1033. Lastly, in regard to the "ins-and-outs" who are mentally defective: these, it is clear, belong to the lowest classes of the population. They represent, indeed, in connection with the poorhouses the problem which the "short-sentence" offenders represent in connection with the prisons. Probably they are, in fact, to a large extent, members of the same class who find themselves sometimes in poorhouses, sometimes in prisons, and sometimes in asylums. We think that if possible these cases where there are signs of mental defect, should be examined on the first admission and suitably dealt with; and that certainly on a second or third return to the poorhouse they should be carefully examined and, subject to medical certificates and the order of the sheriff, detained in suitable "colonies" or houses, as may prove best in the particular case. For this and other purposes, possibly, some of the vacant accommodation in poorhouses could be utilised by arrangement, for while the urban poorhouses are crowded, the rural houses, as in many parts of England, have a good deal of vacant accommodation. "Out of a total billet accommodation in Scotland of somewhere about 16,000 there are 3,000 vacant beds." Later on, when records in regard to mentally-defective children are available and preventive action becomes possible, these cases would not recur, and hence probably would not form so large a part of the pauperism of the parish. Mentally defective amongst "Ins-and-Outs." Barclay, Vol. III., p. 163, c.l. Motion, Vol. III., 21765.

1034. The number of feeble-minded women in the maternity wards of poorhouses is exceptionally small. The Governor of the Barnhill Poorhouse, where there is no recognised maternity ward, reported that there were practically no feeble-minded women among those who there gave birth to illegitimate children, and the medical investigators confirm this view. In the various maternity wards of Glasgow during three months there were, they report, sixty-nine confinements, but "none of the mothers were in any way mentally abnormal." Dr. Clouston considered the statement as to the Barnhill Poorhouse "very unusual" and thought that "if other masters of poorhouses were taken to corroborate it, it would not be confirmed." But we have no supplementary evidence on the point. In the case however, of thirty-six unmarried feeble-minded women in the Poor Law institutions of Glasgow, it was ascertained that twenty-four had had no children, but twelve had had each one or more children; which appears to Maternity Wards. Henderson, Vol. III. 23630, 23635, 23639, 23645. Barclay, 23519. Vol. VI., p. 379. Clouston, Vol. III., 24214–5. Vol. VI., p. 378.

Barclay, Vol. III., 23522, 23451–23459, 23524.

support the evidence of Mr. Barclay, the General Superintendent of Poorhouses for the Local Government Board, that though fewer women now resorted to poorhouses for their confinements the class of unmarried women who did so was sufficiently large to call for some regulation. The regulation which he suggested was that "women who come in for the second time should be examined by an expert in mental disease."

(2) Mentally Defective Children.

Mentally defective children in schools.

1035. The report of the medical investigators shows that there were in attendance at the public elementary schools in 1906 at the time of inspection 88,170 children, of these 634 or 7·19 per 1,000 were found to present some degree of mental defect. The number of the estimated school population on the roll in 1906 was 114,568, and the total number of mentally defective children found in this population, including both children attending school and children at home was 724 or 6·3 per 1,000. Merely backward children were excluded from the count. "The children in attendance are drawn from the well-to-do middle classes with ample comforts at one end of the scale and from the homes of the poorest class at the other."

Vol. VI. p. 370. Cf. col. 19 of the Table, Group A. p. 59, and Table III. p. 75, col. 17, Vol. VI., p. 372.

Vol. VI., p. 372.

There are seven * special schools or classes—with 272 children on the roll and 225 in attendance. "If the degree of defect appears to amount to imbecility the case is reported by the school board to the inspector of poor who, in most cases, provides for the child by its removal to an imbecile institution. No difficulty has ever arisen between the two authorities with respect to the care of such children; and if, as occasionally though rarely happens, the parents refuse to allow an imbecile child to be taken into an imbecile institution, such lapse of care is never due to remissness on the part of either the school or parish authority."

Clarkson, Vol. III., 22037–22039.

Equally satisfactory is the investigators' report as to the schooling:—

Vol. VI., p. 373.

"It appears to the reporters that the school board of Glasgow is making adequate provision for the education of the mentally defective children of school age within their area. The results attained are satisfactory, and a moderate extension of present arrangements would seem to meet the requirements."

Of the children at home, except as to the possibility of some of the children attending the special schools or classes, the report is equally good:—

Vol. VI., p. 373.

"The idiots and the imbeciles in this list are in most instances housed at their own homes but some of them live with friends or with people who have undertaken the care of them. They are being adequately attended to so far as the circumstances of each family permit. In no case was there evidence of neglect or ill-treatment. Some of the children are unable to attend because of some associated physical disability such as paralysis, but others might be in school attendance."

Results of "Special Classes."

1036. The results of the special classes do not, however, appear to be better in Glasgow than elsewhere. No doubt the education in cleanliness and manners is of great importance, but there is, as elsewhere, a large number who will never be able to support themselves wholly or in part; as Dr. Carswell said: "I should be surprised if the number of children who passed through the special schools and ultimately become self-supporting reaches 20 per cent." Of thirty-seven children who are mentally defective and were taken off the roll 1901–1906 three were sent on to the school for imbeciles at Larbert, seven were at home unable to work; one is boarded-out, the parents being admitted to the poorhouse; one has been sent back to a Roman Catholic school; one has been imprisoned for assaulting his mother; one has died, five have been drafted into ordinary schools, and five are working. Classification in the special classes is difficult, and to meet this as far as may be possible, it is suggested that a teacher should not have more than twelve to fifteen children under her charge. Boarding schools are required; but these, it is suggested, should be placed under the Board of Lunacy. In the majority of cases the children are removed from school by their parents immediately on reaching the age of fourteen years; and it is reported that, if the children could have two years more training in an industrial school or colony they could make their own way in the world. On all hands it is agreed that after-care in some form is necessary.

Carswell, Vol. III. 21927, Cf. Chapter XV., ante.

Carswell, Vol. III., p. 63.

Monteagle, Vol. III. p. 264, c. 1 and c. 2. Clarkson, Vol. III., 22033—22034.

Monteagle, Vol. III. p. 263, c. 1 and 2.

* It appears from a letter received by the Commission from the Scotch Education Department, that on March 14th, 1908, there were eight such schools in Glasgow and three in Govan.

1037. The close alliance between the school board, as the education authority, and the parish council, as the local lunacy authority, appears to work well in Glasgow; yet it is clear that as the obligation of dealing with the various classes of mentally defective persons is more seriously and completely undertaken there must be a large extension of provision other than special schools, both for children of school age, and for young persons; and this, we think, will entail reconsideration of many arrangements. The medical investigators write:— Necessity for "after-care." Vol. VI. p. 396.

"It is suggested that further powers are required:—
(1) To enable children to be kept in special schools till sixteen years of age.
(2) To segregate where necessary in farm and handicraft colonies those obviously unfitted to become self-supporting thereafter.
It is not suggested that all those requiring teaching in special classes in school require this after-care; for there would be eliminated:—
(1) Those who had improved so greatly that home treatment might be tried.
(2) Those for whom their parents could provide suitable environment and private supervision.
(3) Those obviously so weak-minded or imbecile that nothing short of asylum or institutional treatment would be of use; those, in fact, who are non-educable.
Some, however, will still remain for whom the farm or handicraft colony appears to offer an opportunity of amelioration or betterment."

They suggest also that the present policy of the school board of Glasgow should be continued, namely, to extend their present special class accommodation so that ultimately all known mentally defective children should be accommodated therein, and this, in their opinion, with careful classification, would meet with presently existing needs. Further, they desire that:— Vol. VI. p. 397,

"There should be compulsory power to retain suitable children at school till the age of sixteen (and where possible it seems desirable that children who are subject to epilepsy should on account of the well-known mimicry of childhood be kept apart from others), and the years from fourteen to sixteen devoted to a cultivation of whatever aptitude for special occupation has been shown by the pupil." Vol. VI. p. 398.

And they report:—

"There is undoubted need of further provision for defective children after they leave school. It is believed that such should take the form of colonies—farm and handicraft—and that with them should be combined a carefully arranged boarding-out system, by which young girls would be placed on probation with suitable mistresses, and young men on farms or at other simple labour. Vol. VI. p. 398.

"Sufficient evidence has come out in this inquiry to show that every possible means should be taken to prevent the production of offspring by such defectives.

"Power should be obtained to compel the attendance by defective children in defective classes, and also to separate them in colonies, though it is believed that in many cases such power would not have to be enforced."

1038. Our view is that the number of mentally defective children who are suitable for special classes throughout the period from the age of five to sixteen is comparatively small, and that therefore there should be in the hands of the local authority ample power to deal with cases in the various ways in which intervention may seem desirable during that period. The special classes will in this way, as we have said elsewhere, become part of a general system for the care of mentally defective children, and their relation to the education supplied by the school boards will thus be greatly modified. For this reason we think it better that the local authority for the care of the mentally defective should be the advisory body in regard to the treatment of these children from the outset, in communication and co-operation with—in Scotland—the medical officer of the school board; and we recommend that the former body may, if it thinks fit, come to some such terms as are suggested in Recommendations XXIX.–XXXI., by which, while the general responsibility for the care of the children remains vested in themselves, the special schools or classes required for the children may, under contract, be provided by the school authority. From a comparatively early period of life, it is evident, the local authority will have to provide accommodation for the care, treatment and training of the children in institutions or homes, the supply and organisation of which would not conveniently devolve on the education authority. While, therefore, by arrangement or contract children suitable for special classes remained under the educational care of the school board, so long as the local authority for the care of the mentally defective thought it desirable, children for whom these classes were considered unnecessary or insufficient, would be provided for by the local authority entirely,

Necessity for one local authority to be responsible for the care, etc., of mentally defective persons.

Recommendation XXIV.

Recommendations XXIX–XXXI.

John Macpherson, Vol. III., 21361 to 21364.

Necessity for one local authority to be responsible for the care, etc., of mentally defective persons—*contd.*

if they needed institutional or other similar aid. The local authority would decide which of the various methods of care and treatment at its disposal would be most suitable for each individual case. For one case the special class might be suitable up to the age of sixteen or longer, for another it might not.

Wardship.

Vol. VI. p. 398.

1039. The necessity for after-care is, as we have said, admitted on all sides. As the medical investigators say: "Sufficient evidence has come out in this inquiry to show that every possible means should be taken to prevent the production of offspring by such defectives;" and compulsory powers are, in their opinion, necessary to enforce the attendance of defective children in defective classes and also to separate them in the colonies. To this we assent. But it appears that in order to exercise the control required for such a purpose, in not a few cases, in which the parents are altogether unsuitable for training or for taking care of their mentally defective children, some kind of wardship is indispensable. Otherwise, when the child is older and may be turned to account for gain, there would be nothing to prevent unscrupulous parents or guardians from withdrawing the child, very much to its detriment and possibly to its ruin. Some other means of protection must therefore be provided, and we recommend accordingly an extension of the curatorial system, not on the basis of the preservation of property, but on that of the safeguard of the person.

Recommendation XVI.

(3) Other Groups of Mentally Defective.

Mentally Defective Persons in Common Lodging Houses, etc., etc.

1040. A day count of sixty-three common lodging-houses, including the larger "models" and having a total bed accommodation for 9,768 persons, led to thirteen males and three females who were mentally defective being found there. The provision of common lodging-houses in Glasgow is exceptionally extensive, and consists more than elsewhere of tenements built for a rather low class of working men. The statistics in regard to these houses and tenements cannot well be compared, therefore, with those of other towns, though generally in the actual "common lodging-house" class the cases of mental defect appear to be few. The "models" contain a considerable number of persons of a low class, who find their permanent abode there, and among them it is said, are, to a large extent, the "ins-and-outs," of whom it was stated to us that very many were mentally defective. Yet according to the statistics this does not seem to be the case, and they suggest that the number of the mentally defective among the "ins-and-outs" in Glasgow has been somewhat over-estimated. In any case the small number of persons returned as mental defectives in this large population of the lowest classes is very remarkable, and shows how exceptional is the position of Glasgow. This is confirmed by two other entries in the schedule. There were at Glasgow no returns reported from "other sources"; while at Stoke-on-Trent there were seventy-eight, at Birmingham ninety-five, and at Manchester 232. Also, though there are in Scotland no special institutions for idiots apart from Larbert and the children's buildings of the Woodilee Asylum, who are paid for by the Poor Law authorities, there are no persons entered as idiots resident in lunatic asylums, as against three in Stoke, ten in Birmingham, and fifty-four in Manchester. And the number of the weak-minded in prison was comparatively low also; at Glasgow thirty-five out of 1,075 seen; of feeble-minded in Stoke thirty-three out of 169; in Birmingham forty-four out of 403; in Manchester 139 out of 1,048.

Vol. VI., p. 388.
Henderson, Vol. III. p. 169.
Motion, Vol. III., p. 53, c. 2, 21706, 21707.

Vol. VI., pp. 400. 104, 137, 173.

Vol. VI. pp. 104, 134, 173.

Vol. VI. pp. 98 & 99, 128, 166.

RECOMMENDATIONS AS TO SCOTLAND.

CHAPTER XLV.

PREAMBLE.

It has appeared to the Commissioners desirable that this short preamble should be prefixed to their Recommendations. The following are points which should be borne in mind in reference to the Recommendations as a whole:—

(1.) It is not intended that the maintenance at public expense of the mentally defective, or of epileptics not mentally defective, should be extended to those who either at their own cost or at that of their relatives or friends can be otherwise suitably and sufficiently provided for.

(2.) It is intended that all existing powers relating to "insane" persons as defined in the Court of Session Act, 1868, or to "lunatics" as defined in the Lunacy (Scotland) Act, 1862, Sec. 1., should be preserved and extended to all classes of mentally defective persons, as defined in Recommendation III.

(3.) The three methods of oversight, certification, and detention are recommended as available for the mentally defective; they will be applied subject to statutory safeguards and at the advised discretion of a responsible Committee. According to the different classes, for some oversight will suffice, for others certification, and for others certification with an order for detention. The aim of the scheme is the application of particular methods suitable for the cases of different persons, not the general adoption of any one method exclusively. We have described these methods either in this Report or in our Report as to England and Wales above.

See paragraphs 372 683–754, 763.

In conclusion we would sum up our Recommendations as to Scotland as follows:—

Recommendation I.

That the General Board of Lunacy in Scotland undertake the general protection and supervision of all mentally defective persons, and the regulation of the provision made for their accommodation and maintenance, care, treatment, education, training and control, and that it be designated the Board of Control and its members Commissioners of the Board of Control.

Central Authority for the protection and supervision of the mentally defective.

Recommendation II.

Amending Act for the care and control of the mentally defective.

That consistently with the above Recommendation and in view of the alterations in administration and procedure suggested below, the necessary changes be made in the Lunacy (Scotland) Acts, 1857, 1862 and 1866, the Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871, the Prisons (Scotland) Act, 1877, and the Lunacy District (Scotland) Act, 1887, and that such new statutory provisions as may be required for bringing the complete scheme into operation should be embodied in an amending Act for the care and control of the mentally defective.

Recommendation III.

Classes of persons supervised by the Board of Control.

That the statutory use of the word "lunatic" be discontinued; that the term "Hospital" be substituted for the word "Asylum"; and that the term "mentally defective" be defined in the proposed amending Act for the Care and Control of the Mentally Defective, as comprising the classes of mentally defective persons who are placed under the general protection and supervision of the Board of Control and are set out below:—

See paragraph 563.

(1) "Persons of unsound mind," *i.e.*, persons who require care and control owing to disorder of the mind and are consequently incapable of managing themselves or their affairs, and are not included in Classes (2), (3), (4), (5), (6), (7), (8), and (9), below.

(2) "Persons mentally infirm," *i.e.*, persons who, through mental infirmity, arising from age or from the decay of their faculties, are incapable of managing themselves or their affairs.

(3) "Idiots," *i.e.*, persons so deeply defective in mind from birth or from an early age that they are unable to guard themselves from common physical dangers, such as in the case of young children, would prevent their parents from leaving them alone.

(4) "Imbeciles," *i.e.*, persons who are capable of guarding themselves against common physical dangers, but who are incapable of earning their own living by reason of mental defect existing from birth or from an early age.

(5) "Feeble-minded," *i.e.*, persons who may be capable of earning a living under favourable circumstances, but are incapable from mental defect existing from birth or from an early age: (*a*) of competing on equal terms with their normal fellows; or (*b*) of managing themselves and their affairs with ordinary prudence.

(6) "Moral Imbeciles," *i.e.*, persons who from an early age display some mental defect coupled with strong vicious or criminal propensities on which punishment has little or no deterrent effect.

(7) "Epileptics," *i.e.*, persons who, being epileptics, are also mentally defective.

(8) "Inebriates," *i.e.*, persons who, being inebriates, are also mentally defective.

(9) "Deaf and Dumb" or "Blind," *i.e.*, persons who, being deaf and dumb or blind, are also mentally defective.

Recommendation IV.

See Paragraphs 1000–1004.

Form of Certificate.

That the form of the medical certificate under the Lunacy (Scotland) Acts be amended so that (1) the words "mentally defective" take the place of the words "a lunatic, or an insane person, or an idiot, or person of unsound mind"; (2) there be printed on the back of the certificate the definitions of mentally defective persons referred to in Recommendation III.; (3) that the medical person state in a note to the form within which class, in his opinion, the mentally defective person comes.

Recommendation V.

Annual Report of Board of Control.

That the Annual Report issued by the Board of Control should include particulars of methods of treatment for mental defect in Scotland and elsewhere, accounts of new results of medical science and progress in regard to the proper care and supervision of the several classes of defective persons, with the necessary statements of expenditure, plans, etc., etc., and that economy in construction and management of institutions should be a question considered and reported upon by the Board from year to year in their Annual Report.

Recommendation VI.

See Paragraphs 1014.

Powers and duties of the Board of Control.

That the Board of Control have, amongst others, the following powers and duties, viz.:—

(1) To regulate the action of the Local Authorities in the execution of their duty in dealing appropriately with mentally defective persons in accordance with Recommendation IX.

(2) To inspect the ordinary wards of all poorhouses, and to draw the attention of the local authorities to cases of mentally defective paupers who, in their opinion, should be transferred from the ordinary wards of poorhouses to suitable places, and if necessary, to order that such transfer be made.

(3) To superintend, manage, direct and regulate all institutions for the mentally defective in the same manner as provided under Section 9 of the Lunacy Act of 1857 in the case of private and district asylums.

(4) To require the submission of plans of all institutions for the mentally defective in the same manner as is now required of district asylums under Section 51 of the Lunacy Act of 1857, and to decide from their expert point of view, with such architectural assistance as may be necessary, whether they are *prima facie* suitable for the purpose intended and involve no unreasonable expenditure.

(5) To regulate the number of patients of each sex who may be admitted to any institution for the mentally defective.

Recommendation VII.

See Paragraphs 1007–1010.

Local Authority to make provision, etc., for care and control of mentally defective persons.

That under the proposed amending Act for the care and control of the mentally defective, the District Board of Lunacy—to be called the District Board for the Care of Mentally Defective Persons—be the Local Authority, and be required by Statute directly or by contract with other authorities or persons to make suitable and sufficient provision for the care and control of the mentally defective in their area in institutions, houses or homes, in observation or reception wards, or by "boarding-out," or in any other way of which the Board of Control shall approve.

Recommendation VIII.

Duties of Inspectors of Poor.

That the statutory duties of the Inspectors of Poor with regard to lunatics be extended to all cases of mental defect, and that the services of Inspectors of Poor be, by arrangement, placed at the disposal of the District Boards for the care of the mentally defective.

Recommendation IX.

Medical officer to be appointed by the local authority.

That subject to the approval of the Board of Control, the District Board for the care of the mentally defective appoint a specially qualified medical officer or officers to assist them in the care and control of the mentally defective in their area, on the understanding that the internal management of Institutions should remain in the hands of the Superintendents in charge of them, subject to the supervision and authority of the District Board.

Recommendation X.

Duty of Local Authority to receive requests as to provision and to report to Board of Control in case of refusal of requests.

That it shall be the duty of the local authority to supervise the execution by the Inspector of Poor of his statutory duties to mentally defective persons; to receive from parents and others requests for the provision of care and control of mentally defective persons of whom they have charge; and on the receipt of such requests it shall be the duty of the local authority, after making all necessary enquiries, to arrange for the admission of those mentally defective persons into suitable institutions or houses or into suitable private care; and in the event of the local authority failing to provide such care for any such case it shall be a duty of the local authority to report the fact that they have not acted on such request, and the reasons for not so acting, to the Board of Control.

Recommendation XI.

Discretion of Local Authority as to method of dealing with particular case.

That subject to the Regulations of the Board of Control it shall be at the discretion of the local authority to deal with mentally defective persons on whose behalf they deem that intervention on their part is necessary as they shall think best in the individual case, either registering the case only, or having it certified also, or taking steps for its certification and detention, or placing it in an institution or home or house or boarding it out under private care, or leaving it to the care of its parents or guardians with or without the appointment of a friendly visitor (Cf. Recommendation as to England and Wales, LI.), or placing it in the licensed ward of a poorhouse, or taking any other measures that seem to them desirable.

Recommendation XII.

Local Authority may, on payment, provide for non-pauper cases.

That the local authority may, subject to the regulations of the Board of Control, provide accommodation on suitable payments for mentally defective persons who might be fully and sufficiently provided for otherwise at their own charges or at the charges of their relatives or friends.

See Paragraph 1015.

Recommendation XIII.

See paragraph 1011.

That substantial financial assistance be granted from the Exchequer to the local authorities for the care and maintenance of mentally defective persons and epileptics not mentally defective, on the lines suggested in Recommendation XL. to XLII. as to England and Wales.

Exchequer grant payable to local authorities.

Recommendation XIV.

See paragraph 1012.

That the accounts of the local authority which makes provision for the accommodation of mentally defective persons be audited by a Government Auditor and that the specifications for tenders and contract prices be examined by the Board of Control.

Audit of accounts of Local Authority.

Recommendation XV.

See paragraph 1020.

That the residence of any pauper mentally defective person in any institution, hospital, establishment, or any home licensed for the accommodation, maintenance, care, treatment, education, training or control of any of the classes of mentally defective shall be deemed to be the residence of such mentally defective person in the parish chargeable with the maintenance of such mentally defective person.

Time of residence in any institution for the mentally defective not to count for acquisition of settlement.

Recommendation XVI.

See paragraph 1039.

That it is desirable that in the case of persons under twenty-one years of age for whose care and control any local authority is required to make suitable and sufficient provision, and who, in its opinion, are not under suitable parental or other control, and are not receiving suitable training, or are cruelly treated, or otherwise neglected, the local authority have power to resolve that until the child reaches the age of twenty-one the rights and powers of the parent or guardian vest in the District Board, subject to such conditions and appeal as may seem necessary (Cf. Recommendations as to England and Wales, XLIX. to LI.)

Cases under twenty-one not under suitable parental or other control, etc.

Recommendation XVII.

That with a view to facilitate the work of the local authority in the first instance it shall be its duty in pursuance of regulations to be laid down by the Board of Control to ascertain as far as possible the number of mentally defective persons for whom it is liable to provide, either by its medical officer or by a well qualified medical man appointed for the purpose.

Inquiry as to number of mentally defective persons.

Recommendation XVIII.

That it shall be the duty of medical officers who are in charge of asylums for persons of unsound mind, receiving houses and reception wards, to report to the local authority for special consideration the cases of persons who are repeatedly certified and admitted and repeatedly discharged, or who are in such a mental condition as would be likely to occasion their relapse under the stress of life, with a view to care and control being exercised in regard to them, if desirable, in some other and more effectual manner; and in cases of doubt whether the patient should or should not be discharged there may be an appeal to the Board of Control on the question and the decision of the Board shall be final.

Report as to recurrent cases of unsound mind.

RECOMMENDATION XIX.

Notification of mentally defective persons.

That it be the statutory duty of the medical officers of school boards, of the parish councils, of the governors of poor-houses, the inspectors of poor, the medical officers of prisons, the police, and the managers of any reformatories for inebriates or any charitable, religious or voluntary institutions or societies, or any naval or military authorities, to notify to the Board of Control and to the local authority all cases of mental defect which come to their knowledge in the course of duty and appear to fall within Recommendation III. above, provided always that the Secretary for Scotland may, on special grounds to be stated in the Annual Report of the Board, by regulation exempt any particular authorities from the fulfilment of this duty.

RECOMMENDATION XX.

Private patients not kept for gain.

That Section 14 of the Lunacy (Scotland) Act, 1866, be extended so as to cover all cases of mentally defective persons. *See* paragraph 1016.

NOTE.—The Lunacy (Scotland) Act, 1866, Section 14, above referred to is as follows:—

"If any occupier or inmate of any private house shall keep or detain therein, without the order of the Sheriff or the sanction of the Board, any person as a lunatic, although not for gain, beyond the period of one year, and the malady is such as to require compulsory confinement to the house, or restraint or coercion of any kind, such occupier or inmate shall intimate the case to the Board, and shall state the reasons which render it desirable that such lunatic should remain under private care; and if the Board shall have reason to believe or suspect that any lunatic, or any person treated as a lunatic, whose case has thus been intimated to them, or of whose case no such intimation shall have been made, has been subjected to compulsory confinement to the house, or to restraint or coercion of any kind, at any time beyond a year after the commencement of the malady, or has been subjected to harsh and cruel treatment, it shall be lawful for the Board, with consent of one of Her Majesty's principal Secretaries of State, or of Her Majesty's Advocate for Scotland, to authorise and empower any one or more of the members thereof to visit and inspect such lunatic or person detained as a lunatic, and to make such inquiry respecting his treatment as to such member or members may seem fit; and if on such inquiry it shall appear that such person is a lunatic, and has been so for a space exceeding a year, and that compulsory confinement to the house, or restraint or coercion of any kind has been resorted to, or that he has been subjected to harsh and cruel treatment, and that the circumstances are such as to render the removal of such lunatic to an asylum necessary or expedient, it shall be lawful for the Board to apply to the Sheriff, under a procedure similar to that followed in the cases of dangerous lunatics, and the Sheriff, on being satisfied that the person is lunatic, and has been so for more than a year, and is subjected to compulsory confinement, or to restraint or coercion of any kind, or to harsh and cruel treatment, shall issue his order for the transmission of the lunatic to an asylum, and his detention therein until such time as the Board shall sanction his discharge; and the Sheriff shall grant decree for the expenses of the inquiry and procedure, and also for the maintenance of the lunatic in the asylum, against the parties legally liable for the maintenance of such lunatic."

RECOMMENDATION XXI.

Transfer from one institution to another, or to private care, or *vice versâ*.

That in the case of mentally defective persons dealt with by the local authority no transfer, except as mentioned in the proviso below, shall take place from one institution or home to another or from an institution or home to private care or *vice versâ* without the authority of the local authority and subject to their approval as to the selection of the institution or private care to which the mentally defective person is to be transferred, and the Board of Control shall make such regulations as may appear to them necessary in relation to the several classes of cases for reports of transfers being made to them, and for the granting or withholding of their consent, provided always that the Board of Control may order the transfer of any particular case where it appears to the Board that such transfer is desirable. *See* paragraph 978.

RECOMMENDATION XXII.

Medical Officer, honorary or paid, for every institution.

That every institution or home for the care of the mentally defective shall be licensed, and every licensed institution for the care of the mentally defective shall through its committee of management appoint an honorary or paid medical officer as a condition of its licence, who shall give such attendance as may be directed by the Board of Control.

Recommendation XXIII.

That the Education of Defective Children (Scotland Act), 1906, be amended so that the provisions of that Act shall no longer apply to mentally defective children or to epileptic children so afflicted by severe epilepsy as to be unfit to attend ordinary public elementary schools.

Amendment of Education of Defective Children (Scotland) Act, 1906.

Recommendation XXIV.

See paragraph 1038.

That the local authority be under statutory obligation to provide for the manual and industrial and other training of all mentally defective children who come under Classes (3) to (9) inclusive, in Recommendation III., except such children who have not otherwise been properly and suitably provided for.

The local authority to be responsible for education of mentally defective children.

Recommendation XXV.

That the School Boards place at the disposal of the medical officer of the local authority the register and roll of children who are of age to attend school, and notify to him any cases of children of that age who are thought to be mentally defective, as defined in Recommendation III., and that the medical officer of the local authority, after consultation with the medical officer of the School Board, report all such cases to the local authority with a view to action being taken.

School Board to submitattendance register of children and notify mental defectives to medical officer of local authority.

Recommendation XXVI.

That the local authority, in making their arrangements under the above Recommendation, shall provide facilities for enabling any parent who is of opinion that his child ought to be dealt with under the proposed new Act to present such child to the medical officer of the local authority to be examined, although he may not have been required so to do by the local authority, and any local authority failing to provide such facilities shall be deemed to have acted in contravention of the proposed new Act.

Examination of alleged mentally defective child by medical officer of local authority.

Recommendation XXVII.

That the medical officer of the local authority, if he is of opinion that any such child is mentally defective as defined in Recommendation III., shall report to the local authority to that effect.

Report of medical officer of the local authority.

Recommendation XXVIII.

That it shall be the duty of the parent of any child who may be required by the medical officer of the local authority to attend for the purpose of examination, to cause such child to attend with that object, and any parent who fails to comply with such requirement shall be liable, on summary conviction in a Sheriff Court, to a fine not exceeding five pounds, or in default of payment to imprisonment not exceeding sixty days.

Duty of parent to cause child to attend medical examination.

Recommendation XXIX.

School Board to be under statutory obligation to contract with the local authority as to existing special schools or classes

That where a School Board has made provision for the education of mentally defective children by special classes in public elementary schools or by boarding-out or by establishing schools:— *See* paragraph 1038.

(1) The classes or schools or the arrangements for boarding-out children shall pass under the control of the Board of Control and shall not remain under the control of the Education Department.

(2) The school authority shall be under statutory obligation in the case of special schools or classes previously certified by the Education Department to contract with the local authority for the education of such mentally defective children as the local authority may deem it advisable to educate in that manner.

(3) The school authority shall be under statutory obligation in the case of mentally defective children boarded-out subject to the regulation of the Education Department, to transfer to the local authority any contracts that they may have entered into in regard to such children.

(4) The school authority shall be under statutory obligation in the case of schools established for mentally defective children and previously certified by the Education Department, if the local authority so desire, to transfer such schools to the local authority at a price to be agreed upon, or failing that by arbitration, or to contract with the local authority for the education of mentally defective children in these schools, and to carry on the schools in order to fulfil the terms of the contract made with them.

Recommendation XXX.

The local authority to pay for children admitted as mentally defective in special schools or classes already established.

That in regard to special schools or classes now in existence under the Education of Defective Children (Scotland) Act, 1906, the children admitted to these classes as mentally defective be paid for by the local authority.

Recommendation XXXI.

Establishment of new special schools or classes, institutions or homes.

That subject to the approval and regulations of the Board of Control special schools or classes and institutions or homes, residential or other, necessary for the education of the mentally defective may hereafter be established either by the local authority or by the School Board at the request of the said local authority, and the local authority shall have full power to transfer children from schools or classes to institutions or homes, or *vice versa*, as in the interests of the children they think necessary, or to board out children, if necessary, near a special school or class.

Recommendation XXXII.

The local authority to pay for children kept for observation purposes in existing or future special schools or classes, institutions or homes.

That children, in regard to whom it is a matter of uncertainty whether they are mentally defective or not, may be placed on a special probationary list and retained for such period as may be considered necessary in a special class, school, institution or home for the mentally defective for purposes of observation, until it is decided whether such children should be adjudged mentally defective or merely dull and backward; and that the cost of their maintenance while in such class or school under probation be paid for by the local authority.

Recommendation XXXIII.

That the local authority shall arrange for the frequent and periodic examination of the mentally defective children in special schools or classes, with a view to determining whether they should continue in such classes, or whether their education should be otherwise provided for.

Periodical examination of children in special schools and classes.

Recommendation XXXIV.

That in the case of any child of school age who has been dealt with by the local authority as mentally defective, it shall be the duty of the medical officer, at any time, if the child, in his opinion, is not mentally defective, to report the case to the School Board, on whom the education of the child will from that date *ipso facto* devolve.

Transfer of a child no longer mentally defective from care of the Local Authority to the care of the School Board.

Recommendation XXXV.

That the duty of a parent under the Elementary Education Scotland Acts to provide elementary instruction for his child shall, in the case of any child coming within classes 3 to 9 of Recommendation III., include the duty to cause the child to attend a class or school, or to reside in any home or institution for the instruction or training of the mentally defective, from and up to such age as in the interest of the child may, on the report of their medical officer, seem necessary to the local authority, whether this instruction or training be provided by the School Board in contract with the local authority or by the local authority itself; and a parent shall not be excused from this duty by reason that a guide or conveyance is necessary.

Duty of parents to provide for education, instruction or training of mentally defective child.

Recommendation XXXVI.

That in the case of children who, in the opinion of the local authority, cannot be trained suitably except at a special school or class, the local authority shall provide guides or conveyances if, in the judgment of the local authority and its medical officer, the children without this provision would be unable to attend the school or class in question.

Guides and conveyances for children attending special schools, etc.

Recommendation XXXVII.

That the Board of Control be empowered to register, inspect, and report on all institutions or houses for the care of epileptics not provided for as mentally defective, and to regulate the same if they form part of an institution for the mentally defective, and that the local authority be authorised to consider and deal with the cases of these epileptics and to provide for their accommodation and maintenance, care, treatment, education, training and control, and with regard to these epileptics shall have the powers referred to in Recommendations VIII.—XVI. (inclusive), and in Recommendations XXV. to XXXVI. (inclusive) so far as may be necessary.

Epileptics not mentally defective.

See Paragraph 1023.

Recommendation XXXVIII.

That as it appears that many mentally defective cases are at present dealt with in Scotland under the Inebriates Acts, it is desirable that those Acts be amended so far as may be necessary in order to make it clear that the local authorities shall be under the obligation of dealing with such inebriates as are mentally defective.

The Inebriates Act.

See Paragraphs 987–988.

Recommendation XXXIX.

Mentally defective prisoners to be sent to suitable institutions.

That Section 89 of the Lunacy (Scotland) Act of 1857 be brought into regular use for dealing with cases of mentally defective persons in prison, and that it be amended so as to make it clear that the charge for the maintenance of such prisoners in institutions other than prisons shall fall on the funds of the Local Authority liable for their maintenance, unless in his discretion the Secretary for Scotland direct otherwise; and that Section 6 of the Criminal and Dangerous Lunatics Amendment Act, 1871, be retained and extended to cases of mentally defective persons.

See Paragraphs 985-986.

Recommendation XL.

Criminal mentally defective persons.

That the attention of the Secretary for Scotland be drawn to the Recommendation No. LXXXVII., made by the Commission in regard to criminally mentally defective persons in England and Wales.

See Paragraph 984.

Recommendation XLI.

Extension of the Judicial Factors Act.

That the Judicial Factors Act, 1880, be extended to cover all classes of mentally defective persons as defined in Recommendation III., unless on consideration it is decided that it already applies to all these classes; that Section 81 of the Lunacy Act of 1857 be amended so as to make it effective for protecting the property of mentally defective persons, and that it be provided that, either at the request of the relatives or friends of the mentally defective person or on the failure of the relatives or friends to take action, the local authority may present a petition under the said Act, as "next friend" of the mentally defective person.

See Paragraph 1013.

Recommendation XLII.

Protection of female patients.

That for the better protection of mentally defective female patients the Lunacy (Scotland) Act, 1857, Section 99, and the Criminal Law Amendment Act, 1885, Section 5, Sub-section (2), be amended.

See Paragraph 1017

Recommendation XLIII.

Alteration of definition of the word "house."

That the definition of the word "house" in Section 3 of the Lunacy (Scotland), Act of 1857 be repealed, and that in the proposed Amending Act the following definition be substituted for it; "the word house shall mean a private dwelling, whether it be specially licensed or not."

See Paragraph 1019.

IRELAND.

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THE ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE-MINDED.

PART XIII.

IRELAND.

CHAPTER XLVI.

Reference to the Commission.

1041. Under our original reference which included Ireland, we were empowered "to consider the existing methods of dealing with idiots and epileptics, and with imbecile, feeble-minded, or defective persons not certified under the Lunacy Laws; and in view of the hardship or danger resulting to such persons and the community from insufficient provision for their care, training, and control, to report as to the amendments in the law or other measures which should be adopted in the matter, due regard being had to the expense involved in any such proposals, and to the best means of securing economy therein."

Extended reference as to England and Wales.

1042. Our extended reference, which, however, related to England and Wales only, enabled us to enquire into the constitution, jurisdiction, and working of the Central Lunacy Authorities, and to advise whether any other system of supervising all mentally defective persons should be adopted.

General principles of our Report as to England and Wales applicable to Ireland.

1043. We are of opinion that the general principles which underlie the conclusions at which we have arrived with regard to the mentally defective classes in the rest of the United Kingdom, should be adhered to in Ireland, although there are important local differences in Ireland which would make it essential that in some matters of detail the methods of treating the problem there, should be different.

Advisability of strong Central Authority.

1044. Although we are debarred by the limitations of our original reference in relation to Ireland from definitely recommending the establishment of one Central Authority for the supervision, protection, and oversight of the accommodation and maintenance, education and training, care, treatment and control of all mentally defective persons, we would earnestly call attention to the recommendations of the Report of the Committee appointed by the Lord-Lieutenant of Ireland on Lunacy Administration (Ireland) [C. 6434] which was issued in 1891. We would suggest that the inspectors of lunatics in Ireland, together with the Lord Chancellor's Registrar in Lunacy, should form the nucleus of the Central Authority.

Recommendation VI.

Report of Committee on Lunacy Administration in Ireland, 1891. C. 6434, p. 67.

1045. The Report referred to used the term "lunatic" throughout "in a generic sense, to cover all forms of unsoundness of mind, whether congenital or acquired, including, for example, idiots and imbeciles as well as maniacs, melancholics and dements." The Committee, in fact, used this term "lunatic" as equivalent to the term "mentally defective," used by us. They made a careful and prolonged enquiry into the question of Lunacy Administration in Ireland, and arrived at the same conclusion as we have done with regard to England and Wales, as to the need of the establishment of a strong Central Authority to deal with all classes of mental defect, and our evidence shows that the general problem in Ireland is essentially the same as in England and Wales, and that the need of a strong central control is as necessary in Ireland as in England. In Ireland we only find two inspectors of lunatics with comparatively limited powers, and it is obvious that these inspectors, even though strengthened by the addition of the Lord Chancellor's Registrar in Lunacy, would need additional help if their work is to include the supervision of all classes of mentally-defective persons as suggested by us. This additional help might be secured by the appointment of inspectors from time to time as the business increased, to work under the direction of the Central Authority.

Evidence heard by Commission in Ireland.

1046. We visited Dublin and Belfast in March, 1906, and inspected numerous institutions in the localities, including the Stewart Institution for Imbeciles, etc., and heard the evidence of the chief officials of the Government Departments concerned, and of others having experience of the classes referred to in our reference.

Appointment of Irish Medical Investigators.

1047. We appointed medical investigators to make a thorough enquiry into the number of mentally defective persons and epileptics in three urban areas, viz., Dublin, Belfast, and Cork, and in one rural area, viz., Galway, in the hope that we might be able, from the results obtained in these districts, to form at least a rough estimate of the whole number of mentally defective persons and epileptics in Ireland, and the provision that it would be necessary to make for their accommodation.

Appointment of Irish Honorary Assistant Commissioners.

1048. In connection with our investigations in Ireland, the Secretary of State for the Home Department, at the request of our Chairman, and with the assent of the Lords' Commissioners of His Majesty's Treasury, on July 17th, 1906, appointed Sir George Plunkett O'Farrell, M.D., Inspector of Lunatics in Ireland and Mr. Joseph Mooney, J.P., to be Honorary Assistant Commissioners. We have had the advantage of the aid of these gentlemen in preparing our scheme as to Ireland, and they are in full accord with our proposals.*

Personal Investigation by Commissioners as to local conditions in Ireland.

1049. In September, 1906, we formed two parties, each party being accompanied by one of the Honorary Assistant Irish Commissioners, to make as close a study as time would permit of local conditions. One party travelled for three weeks through the North of Ireland, and the other for the same period through the South of Ireland. During that period, we interviewed a large number of persons who had special knowledge of the local conditions, and visited thirty-five schools, thirty-two workhouses, and ten asylums, besides prisons, reformatories, etc.

The Poor Law in Relation to Mentally Defective Persons.

Unsuitability of Poor Law Authorities as authorities to deal with mentally defective persons.

1050. In our Recommendations regarding England and Wales we have definitely recommended that there should be only one Central Authority dealing with the supervision, etc., of all classes of mentally-defective persons, and only one local authority in each area, viz., the county council or county borough council, which should be responsible for the provision of accommodation, etc., for their care and treatment, and that these duties should not be imposed on any Poor Law Authorities.

Unsuitability of Poor Law Authorities in Ireland to deal with mentally defective persons.

1051. In the case of Ireland, the evidence given before us and the opinions expressed during our visit, no less than our own personal observation and that of our medical investigators, convinced us that the case for the removal of all mentally defective persons in Ireland from the care and control of the Poor Law Authorities is absolutely overwhelming. We would refer, also, to the recent Report of the Vice-Regal Commission on Poor Law Reform in Ireland issued in October, 1906, which recommended :—

Vice-Regal Commission Report on Poor Law Reform, 1906. Cd. 3202. paragraph 155, p. 39.

(1) That all lunatics, idiots and other cases of mental disease in Irish workhouses, should be removed therefrom; and

(2) That the Auxiliary Lunatic Asylum system ought to be extended for the reception of all chronic and harmless lunatics who are now in workhouses.

With these recommendations we concur, although we are of opinion that certain patients might be allowed by the county council or county borough council, as the local authority responsible for the care and control of mentally defective persons, to remain with the guardians, temporarily at any rate. All these cases would be paid for by the local authority, and be under its supervision. A patient ought to be removed at any time if the local authority considered that the accommodation provided was no longer suitable for it.

Recommendations XVIII. and XXX.

Opinions of witnesses as to unsuitability of Workhouse Accommodation for mentally defective persons.

1052. At least seventy witnesses before the Vice-Regal Commission on Poor Law Reform in Ireland recommended that all lunatics should be transferred from workhouses to asylums, and no evidence was given in favour of a continuation of the present system. The evidence given before us was equally unanimous.

O'Farrell, Vol. III., 22081, p. 78, col. 1.

Sir George O'Farrell, Inspector of Lunatics and Lunatic Asylums in Ireland, says the condition of the idiots and imbeciles in workhouses is, with few exceptions, deplorable. He gives the following striking instances of the benefits

* *See* Memorandum, p. 472, *post*.

resulting from the removal of certain individual cases from the workhouse to one of the large district asylums, an institution which, though far preferable to a workhouse, is unnecessarily expensive and by no means well adapted for the detention and treatment of many of these cases.

Opinions of witnesses as to unsuitability of workhouse accommodation for mentally defective persons – *contd.*

"*A.McD.* (imbecile); age 25. Admitted 1–2–1898, in a strait jacket. Duration of attack, three weeks. Medical certificate states that she refused to take her food, threatened to strike, stripped off her clothes, beat the attendants and other patients.

"1–2–98. Dull, stupid, disinclined to talk, looks about in a vacant way, takes food fairly well. O'Farrell Vol. III., p. 78, c.

"3–2–98. Takes food well, not speaking or answering questions.

"4–2–98. To-day employed at needlework, and taking food well (three days after admission).

"1906. The patient works well. Is a happy, restless person with no impulsive symptoms whatever."

"*A. McA.* (imbecile); age, 22. Admitted 5–7–1898 in a strait jacket. Duration of attack one week. Medical certificate states—strikes attendants, spits at attendants, tears her clothing, and screams. Uses filthy language. Refuses to wear her clothing, and strikes other patients.

"6–7–1898. As patient was brought here in a strait jacket, one must naturally conclude that she has recently been excited and violent. Since admission here, however, she has been fairly quiet. She sits by herself, occasionally she starts laughing very loudly; when questioned she makes long rambling statements having no obvious relation to the questions asked.

"1906. The patient has never caused any trouble since admission, with the exception of attacks of bad temper; she works, is quiet and happy. Very fond of reading. Her sister is also a patient here."

"*M.P.* (idiot); age, 20. Admitted 25–1–1901. Duration of attack two days. Medical certificate states singing and throwing stones around her. Shouting a good deal. Talks nonsense. Tried to strike other patients. Nurse reports her noisy, singing, clapping her hands, struck at attendants.

"1906. The patient, since admission, has always been a quiet little person, who dresses herself well; clean in habits, so much so that she looks after the cleanliness of other patients, taking them to the lavatory when she thinks it necessary. She feeds other helpless patients with a spoon. Never struck any one. Never noisy, and yet can't utter any distinctly formed words other than 'Belfast,' 'Baby,' 'Yes' and 'No.'"

"*L.C.* (idiot); age, 5. Admitted 28–8–1902. Duration of insanity, three months. Medical certificate states patient is continually muttering and singing. Is very noisy and filthy in her habits, attempting to bite the attendants. Spits continually. Speaks only incoherently. Nurse states that patient has repeatedly bitten other patients. Is very filthy in her habits. Is violent and cannot be controlled.

"1906. This patient is a happy and cheerful child, who runs about laughing everywhere. Cannot speak at all, further than 'Tommy,' and 'Money.' Is not clean in habits, but has never attempted to bite anyone or ever caused the slightest trouble."

Sir George O'Farrell goes on to say that the Poor Law should not be allowed to deal with mentally defective persons, but that it would be better to bring them all under one system of control and administration. O'Farrell, Vol. III., 22096.

Mr. Edmund Bourke, General Inspector of the Local Government Board in Ireland, says that it is only too obvious to anyone who has had an opportunity of inspecting them that Irish workhouses, under existing management, are most unsuitable places for the accommodation of persons of unsound mind, and that the condition of the latter at present housed in these establishments is in many instances disgraceful. Mr. Bourke considers, however, that healthy, able-bodied people who are feeble-minded, but able to work, might be left in the workhouse, being probably just as happy there as they would be anywhere else, and possibly the quieter senile dements; but that children should be taken away in every case. Bourke, Vol. III., 22319, p. 90, col. 2. Bourke, Vol. III., 22354–6.

It will be remembered that, in the case of England and Wales, we have recommended that the local authority for the care and control of mentally defective persons should have power to contract with other authorities and persons for the reception of suitable cases, and this power, which we also recommend to be given in Ireland, would no doubt be resorted to in order to meet such cases as Mr. Bourke suggests, but the question of the suitability of the case to be so dealt with in the first instance, the adequacy of the accommodation to be provided, and the advisability of the continuance of so dealing with the particular case would be one for the judgment of the local authority for the care and control of the mentally defective. Recommendation as to England and Wales, XLII. Recommendation as to Ireland, XXX.

Mr. Bourke points out that, in his view, all mentally defective persons should be put under the care and control of the county council, as the local authority, and under the Inspectors of Lunatics, as the central authority, excluding the Local Government Board from any responsibility as to their care and control. Bourke, Vol. III., 22444–7.

Opinions of witnesses as to unsuitability of workhouse accommodation for mentally defective persons —*contd.*

Sir Christopher Nixon, Bart., M.D., Ex-President of the Royal College of Physicians in Ireland, says :—

Nixon, Vol. III, 22555, p. 103, col. 2.

"No doubt some reasons may be urged for a retention of a part of this class in the workhouse, such, for instance, as the usefulness of some in doing work, the harmless nature of the mental defect, the proximity to home associations, etc., etc. But, on the other hand, the association of these defectives with the sane is objectionable, and it has upon both a depressing influence ; there is the danger of persons who are unable to look after themselves being neglected ; there is the danger of the outbreak of violence towards their own class or to others, against which there is no provision, and there is the important question of expense, as persons of this class require special nursing and care."

Nixon, Vol. III., 22570.

Sir Christopher Nixon goes on to say that the evils of the present system constitute a crying grievance, and that anyone who goes through the workhouses of Ireland, and sees the wretched, unprotected way in which these people are dealt with, must admit that it is one of the evils which specially calls for redress.

Courtenay, Vol. III., p. 113, col. 1.

Dr. E. Maziere Courtenay, Inspector of Lunatics and Lunatic Asylums in Ireland, points out that the greater number of congenitally defective classes are to be found at present in workhouses, although there are not any legal provisions for their care there, nor any power to detain them. They are only there as paupers. Their surroundings, he says, are most unsuitable and no attempt has been made to segregate them from other demented cases, or to classify, train or instruct them, and in most cases there is no one to look after them, except, perhaps, a pauper assistant. Dr. Courtenay points out that the Reports of the Inspectors of Lunatics in Ireland contained numberless instances of particular cases in workhouses, especially of imbecile children, suffering directly from the want of proper accommodation, care and training suitable to their needs. We append a few extracts from these Reports :—

Courtenay, Vol. III., p. 113, col. 2.

"There is one very intelligent boy living on the male side who in England or Scotland, would certainly be sent to a training school for weak-minded or epileptic children, and where, no doubt, he would be able to learn a trade. and contribute towards the cost of his maintenance. The condition of many children of this class in Irish workhouses is peculiarly lamentable—growing up, as they do, in association with adult lunatics, and without any attempt to train them in habits of industry and order."—(51*st Report*, p. 198.)

"The remaining female is an idiotic child, whose habits, no doubt, could be improved, and who could derive benefit from training in one of those idiot schools which exist nowadays in most civilised countries, but which, unfortunately, notwithstanding the hopes held out many years ago, have never been established in Ireland."—(52*nd Report*, p. 205.)

"S.A. is an imbecile, who suffers from epileptic seizures. She is kept constantly in bed, as the authorities are afraid of the danger of her being injured by fire during a seizure.

"Cases of this kind are better treated in a special institution, and it is recognised that confinement to bed tends to the frequency of epileptic seizures, and to the further physical and mental deterioration of such cases."

"The fourth case (M. L.) is the girl whom the guardians some time ago were anxious to transfer to the county asylum at Antrim. She is described as a congenital imbecile, but it would seem rather that her imbecility was consequent on disease of her nervous system in early life, as her mother states that she was a bright child and able to attend school up to seven years of age, when her legs became weak. She is now quite imbecile, her lower limbs are completely paralysed, and the muscles wasted and in a state of spastic rigidity. Her hands, which are also wasted, were enclosed in sewn-up sleeves, as the medical officer states that if her hands were left free she would

p. 114, col. 1.

pick the quilt, and put the frayed portions into her mouth. She is described as sleeping badly, and as having frequent screaming fits during the night, thus disturbing the other inmates of the infirmary ward. There were nits in her hair."—(54*th Report*, p. 192.)

"One man—a degraded imbecile—was dressed in petticoats, and had his hands tied, owing to his mischievous habits. Such a case should be removed to the asylum, where he would receive proper care. He certainly cannot be properly treated here."—(54*th Report*, p. 202.)

The following extract from the 55th Report shows the unsatisfactory condition of the accommodation provided in a particular workhouse, and it is by no means an isolated instance :—

The 55th Report of the Inspectors of Lunatics (Ireland) 1906, pp. 197-198.

"The living rooms are cheerless in the extreme, the only furniture consisting of fixed benches, forms, and a few dilapidated armchairs, without any of those surroundings which are in all countries now considered essential to the contentment and well-being of the insane, such as books, pictures, and other objects of interest and amusement.

"The wretched yards afford little means of exercise. On the female side these yards are used for drying the clothing soiled during the previous night.

"The men sleeping in the dormitories upstairs are dangerously situated as regards escape in case of fire. In the event of such an outbreak, the only chance of escape is by a narrow wooden staircase. If this exit were cut off by smoke or flames, these inmates must certainly perish. The same remarks apply to the dormitories occupied by the boarders.

"No improvement appears to have been made in the service of the meals, as regards the supply of knives and forks. At least dishes might be given to hold the potatoes, instead of having them thrown in heaps on the table."—(55*th Report*, pp. 197 and 198.)

Norman, Vol. III., p. 117, c. 1.

Dr. Conolly Norman, Resident Medical Superintendent of Richmond District Lunatic Asylum, Dublin, comments on the inadequacy and unsuitability of the present system as follows :—

Opinions of witnesses as to unsuitability of workhouse accommodation for mentally defective persons — *contd.*

"In the workhouses there is no classification among these people, no attempt at education and little or no effort to improve defective habits. All these things are impossible owing to the conditions of existence. There is no staff for teaching, and a very small and insufficient staff, if any, for ordinary supervision. Old and young, low class idiots, high grade imbeciles, chronic dements, and cases of senile decay, are placed together promiscuously. The results are undoubtedly not satisfactory. The period of life when education might be possible passes away; bad habits are confirmed and become ineradicable."

Dr. Conolly Norman then gives the following instances to illustrate what can be done under better conditions :— Norman, Vol. III., p. 117, cols. 1 and 2.

"The condition of affairs in district asylums is better as regards general discipline, but hardly better as regards education. In large institutions receiving all classes of the insane, it is impossible to give to the education of idiots and imbeciles that minute attention, that skilled care, that laborious patience, which is required. Nevertheless we do something. Enough is done to show, even in our own experience alone, how much could be done under proper conditions. I recall at the moment four striking cases at present under care in my asylum: (1) A boy, aged fifteen, illegitimate, utterly neglected and uneducated, sufferer from birth-palsy, commonly tractable, but liable to violent fits of senseless passion. He has been taught to be tidy, he has been taught to read and write, he is able to make himself useful in the weaving shop although the movements of one arm are very limited. (2) A lad with hydrocephalic head and choreiform movements; though clean, had apparently little other intelligence. An old patient who had been a schoolmaster took a fancy to this boy and undertook to teach him. He made him commit to memory an immense amount of miscellaneous information, and even taught him to read, though imperfectly. (3) An epileptic idiot aged about ten years on admission, at times tranquil, at times very intractable after the manner of epileptics: absolutely ignorant. Taught to read, taught to sew: usefully employed in tailor's shop. (4) A young man suffering from right infantile cerebral hemiplegia with certainly complete word-deafness and probably deafness to all sounds. Certain indications showed that the case was not merely one of idiocy by deprivation, as might indeed have been inferred from the obvious and extensive defect in the cerebral mantle. Nevertheless this man has been taught a tolerably extensive system of signs and has learned to be useful in the weaving shop, reeling thread with his only available hand. I do not speak particularly of such cases as that of a microcephalic and epileptic idiot, absolutely incapable of being taught the meaning or relation of numbers, who yet has been taught to work a sewing machine in the tailor's shop, for I suppose such cases are common enough in other asylums."

1053. We append herewith the extracts from the Report of Dr. Dawson, our Medical Investigator in Dublin, on the Lunatic and Epileptic Wards there. We have personally visited these wards and most thoroughly endorse the remarks of Dr. Dawson as to the unsatisfactory condition in which they are.

Reports of Irish Medical Investigators as to unsuitability of workhouse accommodation for mentally defective persons. Vol. VI., p. 420.

"*The Lunatic and Epileptic Wards* require fuller consideration, and those of the North and South Unions must be dealt with separately, especially as the Inspectors of Lunatics state that they constitute respectively about the worst and the best workhouse departments of their class in Ireland.

"In the *North Union Workhouse* the lunatics and sane epileptics are mixed together in the same departments. The male department, which was occupied by seventy-five insane patients and nine sane epileptics on the occasion of my investigation, consists of five wards of varying size, a day-room, and an airing-court. Three of the five wards are over-crowded, only one is properly lighted, and two of the principal ones are so gloomy as to suggest rather a second-rate stable than a dormitory, the windows being small and placed high. The larger and worse of these only allows 43 square feet floor-space and 526 feet cubic capacity for each patient, as against the 54 square feet and 648 cubic feet which has been laid down as the minimum for dormitories occupied by cases of this class. Many of the beds are boxes filled with loose straw, for ease in changing in the case of dirty patients. The high-sided bedsteads in the epileptic wards are constructed with a sharply angular iron top-rail certainly dangerous to a patient in a seizure.

"The wards are used to some extent as day-rooms, the day-room, where meals are taken, being entirely too small, and also dark, while a good deal of the floor space is occupied and the light obscured by a loom and other machinery, which, however, I understand is to be removed.*

"The airing-court, where the eighty-four patients take exercise, measures about forty-two by eleven paces, and a considerable portion is occupied by a grass-plot railed off to prevent access. It is surrounded on all sides by buildings and high walls.

"The lavatory accommodation consists of three small basins and one bath filled by hand, and used also for washing sheets. (The Protestant ward, with ten beds, has another bath sometimes available and one water-closet.) There are four self-flushing closets, in bad order and inconveniently placed. Night-chairs and buckets are used in some of the wards at night.

"The attendance consists of a trained ward-master and another paid man and some sane inmate assistants in the daytime, and one paid but untrained attendant and an inmate assistant at night. Considering the numbers and the awkward position of the wards, no effective supervision can be exercised, and it speaks well for the intelligence and care of the small staff, and particularly of the ward-master that the patients are in as good order and as free from accidents as

* This room has been sometimes used at night as a dormitory for casuals.

Report of Irish Medical Investigators as to unsuitability of workhouse accommodation for mentally defective persons —*contd.*

Vol. VI., pp. 421-422.

they are. That it is not entirely due to the nature of the cases is shown by the fact that, as I am informed, assaults have occurred among the epileptics resulting in the imprisonment of some of them.

"The corresponding female department, containing 118 insane patients and ten sane epileptics, consists of six wards used both as dormitories and day-rooms, there being no proper day-room at all. They are even more over-crowded than those in the male lunatic department, not one being of sufficient size for the numbers, and are no better in other respects. The lavatory accommodation consists of a number of tin basins and two baths (the latter better equipped than in the male department), and there are eight water-closets. The attendance consists of two paid day attendants and one paid night attendant, assisted by sane inmates, and here again it must be said that the condition of the patients reflects much credit on the staff, though of course it is quite impossible for the latter to do more than attend to physical wants.

"It should be stated that the female airing-court is much larger and more cheerful than the men's, though still too small for the numbers using it.

"In the workhouse of the *South Union* matters are better, though far from entirely satisfactory. In the first place the lunatics and epileptics are placed in separate departments, the lunatics occupying certain structures of wood and of corrugated iron which were erected respectively to cope with a cholera epidemic about seventy years ago and to deal with one of small-pox ten years back.

"The *male* lunatics, sixty-six in number when visited, occupy six good wards, well lighted, ventilated and warmed, and not over-crowded; but a ward occupied by the workers, one of whom was defective, is not so satisfactory. The day-room accommodation is fair as to space, though dark and cheerless, and crossed by dangerous roof-ties, and the meals are taken in a separate room. Lavatory accommodation is fairly sufficient and in good order. The airing-court is, however, entirely too small, measuring sixty-three paces long by nineteen wide, and largely occupied by a grass-plot.

"In the *female* lunatic department, containing 144 inmates (one a boy of six), as well as two feeble-minded ward maids, there are also six wards. Two of these are good and two passable though rather dark, but the best is quite too large for a single ward, measuring 139 feet in length. The remaining two wards are unsatisfactory, being too low (7 feet 6 inches at the sides), badly ventilated and heated, and greatly over-crowded—in fact one is the worst large ward in this respect in either workhouse, allowing only 37½ square feet floor-space and 280 cubic feet to each inmate. In addition, unprotected roof-ties cross these two wards at frequent intervals, 7 feet 6 inches from the floor, affording a series of ready-made gallows for suicidal patients. Many of the patients are confined to bed, but a large number are able to go about, and for these the only day-room (in which also meals are served) measures 59 feet long by 15 feet 8 inches wide and only 7 feet 6 inches high at the eaves, is insufficiently lighted, and rather comfortless. There is plenty of space in the two airing-courts, but shelter is insufficient, and the court for the healthy is overlooked by the houses of a neighbouring street. The lavatory accommodation consists of three baths, eight water-closets out of doors in the healthy division, and three indoors in the sick division. In the wards above commented on there is only night-chair accommodation at night. The staff on the male side consists of two paid male attendants by day and two by night, and twelve sane inmate assistants, six by day and six by night. On the female side there are two trained nurses by day and two by night, with two untrained day nurses, assisted by a number of sane inmates, and considering the numbers the condition of the patients and the wards reflects credit on the staff. Of course it is possible only to attend to the physical needs of the patient (though some are employed in useful work), and violent cases have to be mechanically restrained pending their removal to the district asylum.

"Little that is good can be said for the *sane epileptic* departments, however. The *male* department, with twenty-three patients, consists of two wards dark, cheerless, stable-like and over-crowded, and a room for meals, shared with patients suffering from syphilis and skin diseases, who have also to pass through the epileptic yard on the way to their own. There is no day-room, the patients using the bath-house in winter for that purpose. The sanitary accommodation is sufficient and in fair order. The only yard used by these patients is concreted, and measures no more than thirty-two paces long by an average breadth of about ten and a half paces, but is provided with good shelter.

"The *female* department is even worse in some respects. The forty-four patients are housed in two large wards, quite too low (7 feet 4 inches at sides), rough, ill-lighted and cheerless, and both over-crowded. There is no day-room, and meals are served in the wards. The yard is larger than the male yard, but roughly gravelled, and the walls of the bounding buildings are supported by fourteen buttresses with dangerous sharp angles. There are three closets, which are also used by forty ordinary infirm (who also share the yard)—eighty-four in all—and the same applies to the lavatory accommodation, consisting of one bath, and wooden troughs to accommodate four at a time. The epileptic wards are only part of a large infirm department containing altogether 215 inmates, and the paid staff for the whole consists of two day nurses and one night nurse, so that the epileptics are practically left to the healthy inmate ward maids, four night and four day. The condition both of wards and patients, male and female, was quite as good as could be expected."

Vol. VI., pp. 504-506.

Dr. Mills, our Medical Investigator in the rural districts of Galway, as a result of his inspection of seven workhouses coming within the area, expresses in his Report a strong opinion as to the unsuitability of the accommodation and the want of proper care and training for the mentally defective in these workhouses.

1054. Dr. Courtenay, when giving evidence in 1906, said: "At the present time there are approximately 3,230 lunatics (including idiots and imbeciles) maintained in the Irish workhouses." But these inmates are not detained under any legal authority or certificate; they are maintained merely as paupers, and, although classified as insane and kept in "imbecile" wards, there is no statutory authority for their detention. These inmates have decreased very much of late years and are, by degrees, being transferred to district asylums. We recommend that they should all come under the care and control of the local authority, which will deal with all mentally defective persons and be responsible for their maintenance. The local authority may, however, with the consent of the Central Authority, enter into a contract with the guardians to maintain such cases on behalf of the local authority where the accommodation can be made suitable and adequate for the particular cases concerned.

Statistics as to mentally defective persons in Poor Law Institutions or receiving outdoor relief. Courtenay, Vol. III., 22642, p. 110, col. 2. Recommendations XVIII. and XXX.

The following Table giving the proportion per cent. of the total number of the insane under care in different institutions in each quinquennial period since 1890 shows the gradual transfer of the insane from workhouses to asylums:—

TABLE SHOWING THE PROPORTION PER CENT. OF THE TOTAL NUMBER OF THE INSANE UNDER CARE IN DIFFERENT INSTITUTIONS, IN EACH QUINQUENNIAL PERIOD SINCE 1880. Courtenay, Vol. III., p. 110, c. 2.

Year.	Proportion per cent. of total number under care.		
	In District Asylums.	In Workhouses.	In Private Asylums, &c.
1880	67	27	6
1885	69	25	6
1890	71	24	5
1895	73	22	5
1900	77	18	5
1904	81	14	5

The following return of the numbers transferred from workhouses to district asylums each year since 1890 shows the increased percentage of workhouse cases in the admissions:—

TABLE SHOWING THE ADMISSIONS TO DISTRICT ASYLUMS DURING EACH OF THE YEARS FROM 1890 TO 1905, AND, OF THESE, THE NUMBERS ADMITTED AND RE-ADMITTED FROM WORKHOUSES. Courtenay, Vol. III. p. 111.

Year.	Total Number of admissions.	Admissions from Workhouses.			Percentage of Workhouse admissions to total admissions.
		1st admissions.	Re-admissions.	Total.	
1890	3,095	306	90	396	12·79
1891	3,010	297	84	381	12·66
1892	3,181	329	94	423	13·30
1893	3,207	349	89	438	13·66
1894	3,229	376	84	460	14·25
1895	3,216	413	75	488	15·17
1896	3,329	459	89	548	16·46
1897	3,285	435	111	546	16·62
1898	3,469	500	134	634	18·28
1899	3,549	542	125	667	18·79
1900	3,546	621	105	726	20·47
1901	3,572	602	117	719	20·13
1902	3,947	757	122	879	22·27
1903	3,950	685	125	810	20·51
1904	3,910	905	105	1,010	25·83
1905	3,772	666	93	759	20·12
Total	55,267	8,242	1,642	9,884	17 88

1055. Our medical investigators, however, found in the areas investigated 1,963 mentally defective children and adults in the Poor Law institutions in these areas, of whom they estimated no less than 1,243 "need provision." An analysis of these Reports shows that those "needing provision" comprise 225 senile dements, 426 uncertified "persons of unsound mind," 43 idiots,

See page 438 below, Group B., col. 9.

See also paragraph 1091 below.

The Law and Procedure in Ireland Relating to Certified Lunatics.

Statistics as to mentally defective persons in Poor Law institutions or receiving outdoor relief—*contd.*

130 imbeciles, 179 feeble-minded, 95 defective children, and 145 sane epileptics. From these returns it might be estimated that in the whole of Ireland we should expect to find about 5,975 mentally defective children and adults of the various grades of mental defect at present in Poor Law institutions, who "need provision." *See* page 442 below, Group B., col. 3.

Our medical investigators also found fifty-six mentally defective children and adults in the areas investigated in receipt of outdoor relief, of whom they return thirty-four as "needing provision." An analysis shows that the thirty-four cases comprised two senile dements, eleven uncertified "persons of unsound mind," six idiots, seven imbeciles, one feeble-minded, and seven sane epileptics. From these returns it may be estimated that in the whole of Ireland we should expect to find about 163 mentally defective children and adults at present in receipt of outdoor relief, "needing provision." *See* page 462 below, Group C., col. 9.

See page 442 below, Group C., col. 3.

See also paragraph 1094 below.

THE LAW AND PROCEDURE IN IRELAND RELATING TO CERTIFIED LUNATICS.

Some certified as well as uncertified cases of mental defect included in reference.

1056. We are empowered by our reference to consider the existing methods of dealing with :—

(*a*) Idiots and epileptics.

(*b*) Imbecile, feeble-minded or defective persons not certified under Lunacy Laws.

As regards Class (*a*), some are at present certified under the Irish Lunacy Laws, and others are not so certified ; those not so certified, like those in Class (*b*), are either at large or detained as paupers in workhouses, though not certified.

Proportion of idiots and epileptics detained under ordinary lunacy certificates. 56th Report Inspectors of Lunatics (Ireland) (1907), p. ix.

1057. We have dealt with those mentally defective persons who are detained in Poor Law institutions. But there are 19,306 persons confined in district asylums of whom a certain proportion are idiots or epileptics, and these idiots and epileptics clearly come under our reference. There are also a certain proportion of such cases amongst the 845 persons detained in private asylums and institutions for the insane in Ireland. Before considering the case of these mentally defective persons (other than those in Poor Law institutions already dealt with), who are not at present certified in any form, it is necessary, therefore, to consider as briefly as possible the law and procedure in Ireland as to admission of certified patients into asylums.

Institutions for "lunatics" (including certain idiots and epileptics).*

Courtenay, Vol. III., p. 110., c. 1.

1058. Lunatics are received and detained in Ireland under statutory and under medical certificates in :—

(1) District asylums.
(2) Auxiliary asylums.
(3) Licensed houses.
(4) Lunatic hospitals.
(5) Workhouses, under the 9th section of 38 & 39 Vict., c. 67.
(6) As single patients.

District Asylums. Act for the Establishment of Asylums for Lunatic Poor (Ireland), 1821, Sec. 2.

1059. District asylums, originally erected and maintained under 1 & 2 Geo. IV., c. 33, and subsequent Acts, were, on the passing of the Local Government Act of 1898, handed over to the county councils, by whom such institutions are now erected, managed, and maintained. The authority in this respect is exercised by a committee of the county council, and where the asylum is for two or more counties, by a joint committee of members from each county, fixed in proportion to the number of patients therefrom. A district asylum may be for one, or more than one county, or for a county borough and a county or counties. Under the 84th section of the Local Government Act, in each lunatic asylum there shall be a resident medical superintendent, and at least one assistant medical officer, whose salaries cannot be fixed or altered without the concurrence of the Lord-Lieutenant.

Local Government (Ireland) Act, 1898, Sec. 84.

The establishments are supported out of the county-at-large rate, and the patients therein are maintained out of the same fund, with a maximum Government contribution of 4s. per head per week, from the Local Taxation Account (as long as it can bear such contributions), save in cases where the lunatic is possessed of means for his own support, or has friends who contribute towards his maintenance. The net average cost per head, calculated on the gross expenditure, including repayments of loans, in these establishments for the year ending 31st March, 1906, amounted to £28 14s. 10d.

56th Report of Inspectors of Lunatics (Ireland), 1907, p. 33.

* There are also 162 criminal lunatics detained in the Central Criminal Asylum, Dundrum (56th Report, Inspectors of Lunatics, Ireland 1907, p. ix.]

District Asylums—*contd.*

There is no law of settlement in Ireland, and when a lunatic is sent to an asylum he becomes chargeable to the county or borough in which he was arrested or resided. No general power exists to remove a lunatic from one asylum to another.† When a lunatic is admitted to an asylum he must remain there, whether he belongs to the district or not. The local authorities complain bitterly of this in some cases—for instance, in cities or places where wandering lunatics are prone to congregate, such as large seaport towns. There is no arrangement for the transfer of patients from one asylum to another, as provided for in Sec. 65 of the English Lunacy Act, 1890. We considered that it was essential to our scheme in England and Wales to recommend that a system of settlement by counties should take the place of the settlement by unions in mentally defective cases. We think that some system of county settlement would be equally necessary in Ireland. It would no doubt be possible for the draftsman of the new Act to insert the necessary provisions to alleviate the grievance complained of as to the congregation of mentally defective persons in certain districts.

Lunacy Act, 1890. Sec. 65. Recommendation as to England and Wales, XLVI. Recommendation as to Ireland, XXXIV.

Under Sec. 9 (6) of the Local Government (Ireland) Act, 1898, the county council, through their Asylums Committee may—and if the Lord-Lieutenant requires, shall—make regulations for the management of their asylum, and amongst other matters, for the admission and care of private patients, and we advise the continuance of that power of making provision for paying patients.

Local Government (Ireland) Act, 1898, Sec. 9 (6).

Auxiliary Asylum.

1060. Under the 76th section of the Local Government Act of 1898, power is given to county councils to take over a workhouse or other suitable building to provide an auxiliary asylum for the reception of chronic lunatics, who, not being dangerous to themselves or to others, are certified by the medical superintendent not to require special care and treatment in a fully equipped asylum, and such auxiliary asylum may either be a separate asylum or a department of the district asylum. For the patients maintained in these establishments, only 2s. per head per week is paid out of the Local Taxation Account.

Local Government (Ireland) Act, 1898, Sec. 76.

In only one case as yet have the provisions of the section been brought into operation, viz., at Youghal, where an old industrial school has been converted into an auxiliary to the Cork Asylum, for the reception of about 400 chronic and harmless insane, taken partly from the district asylum, and partly from the workhouses of the county.

Licensed houses.

1061. Licensed houses are regulated under the provisions of 5 & 6 Vict., c. 123. Licences to keep these houses are obtained from the Justices in Quarter Session and may be revoked by the Lord Chancellor on the recommendation of the Inspectors of Lunatics. No provision is, however, made in the Act for framing regulations for the government of licensed houses, such as is made by Sec. 226 of the English Lunacy Act, 1890, nor is there any statutory provision for the reception of voluntary boarders. In our Recommendations we advise that the licensing and regulation of these houses should be entrusted to the Commission.

Private Lunatic Asylums (Ireland) Act, 1842, Secs. 3, 4 and 5. Lunacy Act, 1890, Sec. 226. Recommendations IX. and X.

Lunatic Hospitals.

1062. Lunatic hospitals, supported partly by private charity, and partly by endowment, are referred to in Sec. 49 of the Act 5 & 6 Vict., c. 123, but there are no statutory regulations for their management as laid down in the English Lunacy Act, Secs. 230–237. Indeed, the only section (49) dealing with them, exempts them from the provisions of the Act, except as regards visitation, inquiries, and due certification of the patients therein. In our Recommendations we advise that these lunatic hospitals should be licensed, regulated and inspected by the Commission.

Private Lunatic Asylums (Ireland) Act, 1842, Sec. 49. Lunacy Act, 1890, Secs. 230–237. Recommendations IX. and X.

Workhouses under Private and District Lunatic Asylums (Ireland) Act, 1875.

1063. Under the provisions of 38 & 39 Vict., c. 67, Sec. 9, power is given to the managing committee of an asylum (with the consent of the Local Government Board and the Inspectors of Lunatics) to enter into a contract with the guardians of any Poor Law union for the maintenance in the union workhouse of chronic lunatics, not being dangerous, who may have been received into a district asylum. This section corresponds with Sec. 26 of the English Lunacy Act. In Ireland it has not been found to work satisfactorily, owing to the

† Convicts are transferred from the Central Asylum, Dundrum, on expiration of sentence under 38 and 39, c. 67, Sec. 12. Transfers are also made in the following circumstances. Following the Local Government Act, 1898, many county boundaries were changed. The Irish Law officers advised that patients should be transferred from one district asylum to another if the part of the county from which they came was transferred to another county.

Lunacy Act, 1890, Sec. 26. 56th Report, Inspectors of Lunatics, Ireland, 1907, p. ix.

division of responsibility. Only four district asylums have taken advantage of the provisions of this section, viz., Antrim, Belfast, Ennis, Londonderry, and only 110 patients in all are thus maintained. [*N.B.*—These are in addition to the lunatics, idiots and imbeciles in the workhouses not under any certificate.]

Single Patients under control of the Lord Chancellor. Privtae Lunatic Asylums (Ireland) Act, 1842, Sec. 36.

1064. Single Chancery patients in unlicensed houses are under the care of the Lord Chancellor, and do not come under the supervision of the inspectors except when they are directed to visit them by the Lord Chancellor. In cases not under his Lordship's jurisdiction, where the patient is kept for profit, Sec. 36 of the Act 5 & 6 Vict., c. 123, lays down that an order and medical certificates are required, as on admission to a licensed house. Copy of such order and medical certificates must be forwarded to the Inspectors of Lunatics within three months of the date of reception of the patient (unless he or she has meanwhile returned to his or her own home), and afterwards, on 1st January of each year, two medical certificates describing the then actual state of mind of the patients must be furnished to the Inspectors.

Admission of Lunatics (including certain idiots and epileptics) into Institutions under certificates. O'Farrell, Vol. III., p. 75.

A. (*Procedure for Admission to District Asylums.*)

Criminal and Dangerous Lunatics Act, 1867. Sec. 10.

1065. The procedure for admission to public asylums in Ireland differs altogether from that in England, as the initiative does not rest in Ireland with the local Poor Law authorities, save as regards cases actually in union workhouses. The necessary action must be taken by a relative or friend of the lunatic, and, as this involves the payment of a fee to the certifying medical practitioner, and of the necessary cost of removal, it represents a serious bar, in the majority of cases, owing to the poverty of the parties concerned. The greater number of admissions to district asylums are effected under the 10th section of the Act 30 & 31 Vict., c. 118, called the Dangerous Lunatics Act. Under the provisions of this section, the alleged lunatic is arrested on the affidavit of a relative or of the police, and brought before two justices, and on its being proved that such person was discovered under circumstances denoting a derangement of mind, and a purpose of committing some crime for which, if committed, such person would be liable to be indicted, the justices shall call to their assistance the nearest dispensary medical officer, and if he certifies that such person is a dangerous lunatic or idiot, the justices direct his transfer to the asylum, which is carried out by the police. He is treated as a criminal as regards his removal to the asylum.

Under this procedure the fee of the dispensary medical officer is paid out of the local rates, and the actual conveyance of the lunatic to the asylum being carried out by the police, the relatives are relieved of all expense. The result is that this Act, which was intended only to apply to a very limited class of dangerous cases, is utilised in the great majority of cases, *e.g.*, in 1904, of 3,910 admissions no less than 2,396 were considered as "dangerous lunatics" under the Act mentioned. When we were visiting asylums in Ireland, in some instances we found children detained as "dangerous lunatics," the chief evidence of the "dangerous lunacy" being stated to be a tendency to throw stones in the streets, or similar trivial offences. These cases, no doubt, needed care and control, but it is somewhat startling to find them confined as "dangerous lunatics," being in the words of 30 & 31 Vict., c. 118, Sec. 10, "apprehended under circumstance denoting a derangement of mind and a purpose of committing some crime for which, if committed, such person would be liable to be indicted."

Criminal and Dangerous Lunatics Act, 1867, Sec. 10.

The existing accommodation for lunatics in many parts of Ireland is admittedly insufficient. The asylums authorities are compelled by law to receive patients committed under the Dangerous Lunatics Act, and, being overcrowded with these cases, often make this an excuse for refusing cases certified under the ordinary Lunacy Form. The cases certified under the ordinary Lunacy Form are therefore often not dealt with by the authorities, but are allowed to drag on their existence in circumstances of great neglect. We are convinced that in Ireland the want of a procedure at public cost, and suitable for all classes of mentally defective persons, whether dangerous or not, is a matter which urgently needs correcting, and we accordingly deal with the matter in Recommendation LVI. below.

Recommendation LVI.

B. (*Procedure for Admission to Licensed Houses and Lunatic Hospitals.*)

1066. (1) The Lord Chancellor may order the admission of any person as the result of an inquisition in lunacy. The procedure is, in practice, only resorted to in the case of persons of some means. The Inspectors of Lunatics are not concerned with lunatics so found, as they are under the jurisdiction of the Lord Chancellor and are under the care of special medical visitors.

Admission of Lunatics (including certain idiots and epileptics) into Institutions under certificates —*contd.*

(2) Under 5 & 6 Vic., c. 123, Sec. 14, persons are received into licensed houses and lunatic hospitals under an Order and two medical certificates.

Private Lunatic Asylums (Ireland) Act, 1842, Sec. 14.

The Order differs from that in use under the English Lunacy Act, in that there is no reference to any judicial authority. There is no special urgency order, but under Sec. 15, sanction is given for the admission on one medical certificate, provided that the special circumstances which have prevented the patient being visited by two medical practitioners are stated, and that the second certificate is signed within fourteen days. The medical certificates differ also from those in use in England, in that there is no obligation to give particulars of the facts indicating insanity observed either by the medical practitioner or by others. All that is laid down is that the certificate shall be in accordance with the forms given in the Act, and shall be signed by two duly registered medical practitioners, not being in partnership, who shall have visited the patient not more than seven clear days previously, and the certificate shall be signed on the day on which the examination took place, and shall state that the patient is insane and a proper person to be confined. Under Sec. 16, notice of the admission of a patient, with copy of the Reception Order, has to be sent to the office of the Inspectors of Lunatics within two clear days, in the case of private patients. In the case of rate-paid patients such notice must be sent after two and within seven clear days. This latter regulation is laid down in the statutory rules for the management of district asylums.

Sec. 15.

Sec. 16.

1067. The Acts governing the lunacy system in Ireland are scattered through statutes from 1821–1901. In some cases they contain provisions which are not in accordance with modern ideas on the subject. They do not ensure the proper admission of the insane to any institution, nor do they adequately safeguard the public against the suspicion that cases are unnecessarily detained in these institutions. The necessity for an amending and a consolidating Act was dwelt on by the Committee on Irish Lunacy Administration appointed by the Lord-Lieutenant in 1890, and the scheme of such legislation was sketched out by that Committee.

Consolidating and amending Lunacy Act essential.

Courtenay, 22642, p. 109, col. 1.

Report of Committee on Lunacy Administration in Ireland, 1891. C. 6434.

1068. This Committee considered that it would not serve any useful purpose to endeavour to enumerate the defects of the existing Irish statutes, but that a new Lunacy Law, modelled on the English and Scotch statutes, should be enacted as more properly representing the opinions which now prevail as to the care and treatment of lunatics; and it specially recommends that the procedure under Secs. 13 and 15 to 22 of the Lunacy Act, 1890, should be kept in view when considering fresh lunacy legislation in Ireland with regard to dangerous lunatics.

Committee of 1891 reported in favour of modelling Irish Lunacy Statute on English and Scotch Statutes. C. 6434, pp. 40–41.

Lunacy Act, 1890, Secs. 13, 15–22.

1069. The Report of this Committee proceeds on lines almost identical with those adopted by us with regard to England and Wales.

Scheme of the Committee of 1891 as to Ireland in complete uniformity with our scheme for England and Wales.

As regards the Central Authority, the Committee call attention not only to the necessity of a strong Central Authority for Ireland, but are also in favour of this authority being entrusted with the supervision of Chancery lunatics. We have recommended a similar course in our Report as to England and Wales.

C. 6434, pp. 49–52.

As regards the local authorities, the Report, being issued before the Local Government (Ireland) Act, 1898, could not anticipate the creation of the county councils and the utilisation of these bodies for the care and control of lunatics, and the references to local authorities in the Report were, therefore, necessarily to the existing board of governors appointed by the Lord-Lieutenant.

The Local Government (Ireland) Act, 1898, Sec. 9, however, transferred the business of the boards of governors to committees of the county councils, who must "properly manage and maintain every lunatic asylum for their county, and may appoint and remove the officers (subject to the concurrence of the Lord-Lieutenant as regards medical officers), and regulate the expenditure."

Local Government Act, 1898, Sec. 9 (5).

Scheme of the Committee of 1891 as to Ireland in complete uniformity with our scheme for England and Wales—*contd.*

1070. This difference as to local administration in Ireland from that in England and Wales having been eliminated by the Local Government (Ireland) Act, 1898, we are of opinion that the general principles of our Report as to England and Wales may be equally applied in the case of Ireland, and in recommending that this should be done we are fortunate in finding ourselves in complete agreement with previous Commissions and Committees who have inquired into the subject.

Management and Administration of property of mentally defective persons. Recom. LXXIV. Lunacy Regulation (Ireland) Act, 1871, sec. 68.

1071. The powers vested in the Lord Chancellor by virtue of the King's Letter have from time to time been supplemented, both in England and Ireland, by statutory provisions enabling summary orders as to property to be made without inquisition in a limited class of cases. By the Lunacy Act, 1890, this summary jurisdiction was largely extended as to England. As mentally defective persons (not proper subjects for inquisition) dealt with under our scheme may often be possessed of property requiring protection or administration, we recommend that the powers conferred by Section 68 of the Lunacy Regulation (Ireland) Act, 1871, should be extended to the property (irrespective of amount) of every mentally defective person, as defined in Recommendation IV., or that a procedure should be instituted analogous to that provided by the English Lunacy Act, 1890, relating to management and administration, and that the same should be applicable to all mentally defective persons as defined in Recommendation IV.

The Number of Idiots, Imbeciles, and Feeble-minded in Ireland and the Provision made for them.

Number of Idiots, Imbeciles and Feeble-minded in Ireland, and provision for them.

1072. According to the Census Returns of 1861, there were 7,033 idiots in Ireland, being in a proportion of one to 825 of the population. Of this large number 5,675 were at large, 934 in workhouses, 403 in various county asylums, and twenty-one were in prisons.

Rainsford, Vol. III, p. 95, col. 2.

According to the Census in 1901 there were 5,216 idiots in Ireland, of whom 3,272 were at large, 1,181 were in workhouses, and 763 in asylums.

Rainsford Vol. III. p. 97, col. 2.

Vol. VI., p. 76.

If we turn to our Irish Medical Investigators' Reports we find that in a total population investigated of 927,755 we have 1,527 idiots, imbeciles and feeble-minded persons, of whom 983 are returned as "needing provision."

The 983 cases "needing provision" in the areas investigated, comprise 115 idiots, 451 imbeciles, and 417 feeble-minded. Of these cases, eighty-seven are at present in public elementary schools, 352 are in Poor Law institutions, fourteen are in receipt of outdoor relief, and the remainder, in most instances, at large. From these returns it might be estimated that in the whole of Ireland we should expect to find 580 idiots, 2,185 imbeciles, and 2,006 feeble-minded "needing provision." In addition to these, according to the Census of 1901, there are 763 idiots, certified cases in asylums.

See pp. 438 and 439 below.

See also paragraph 1094 below.

As regards the existing accommodation in Ireland, we have shown that the accommodation for these cases in workhouses is absolutely unsuitable; that the provision for those in asylums, though more suitable is by no means ideal, and is unnecessarily expensive; while of the cases "at large" although a minority may be suitably provided for at home, there is ample evidence to show that in the majority of the cases the unfortunate patient at home is even in a worse plight than the patient in the workhouse.

Cf. Table VI., Vol. VI., p. 76.

With the exception of the Stewart Institution for Imbeciles at Palmerstown, which is entirely supported by charitable donations, and only provides for 103 inmates, there is absolutely no special provision in Ireland at the present time for probably 64 per cent. of the uncertified idiots, imbeciles and feeble-minded, or for the majority of the 763 certified idiots in asylums as returned in the Census, 1901.

The Number of Epileptics in Ireland and the Provision made for them.

1073.* On December 31st, 1904, there were in all the Irish asylums 1,120 cases (621 males and 499 females) suffering from epilepsy. This class is much less numerous proportionately in Irish than in English asylums, as the following comparative Table shows :— Number of epileptics in Ireland and provision made for them. O'Farrell, Vol. III., p. 77.

Yearly average of the total number of patients admitted to English Asylums during the five years (*) 1899–1903, inclusive.			Of the total number of patients admitted to English Asylums during the five years (*) 1899–1903.			Proportion (per cent.) to the total of the yearly average number of patients admitted to English Asylums during the five years (*) 1899–1903.		
			Yearly average of the number of Epileptics.			Epileptics.		
M.	F.	T.	M.	F.	T.	M.	F.	T.
10,160	10,574	20,734	920	671	1,591	9·1	6·3	7·7
	Similar	particulars	regarding	Irish Asy	lums for	the year	1904.	
2,230	1,925	4,155	99	67	166	4·4	3·5	4·0

1074. As above shown, the proportion of epileptics in English asylums is almost double the proportion in the Irish asylums, and the result of our personal inquiries in Ireland also convinced us that epilepsy was much more infrequent generally in Ireland than in England.

The results of our medical investigations in Ireland give a total of 509 sane epileptics, of whom 306 are stated to need provision, or about 60 per cent. The 306 cases in the areas investigated stated to "need provision" comprised twenty-two children in public elementary schools, 145 persons in Poor Law institutions, seven in receipt of outdoor relief, and the remainder presumably at large. These occur in a total population of 927,755. From this calculation it would appear that in the whole of Ireland there would probably be somewhere about 1,471 sane epileptics "needing provision." The investigation, however, was made mainly in urban areas, and having regard to the smaller proportion of sane epileptics found in the one rural area investigated, it is probable that the number of sane epileptics "needing provision" in Ireland, would not much exceed 1,200. Vol. VI., pp. 76, 77. *See* pp. 438 and 439 below, col. 7. *See* also paragraph 1094 below.

1075. The Report of the Vice-Regal Commission on Poor Law Reform in Ireland, 1906, stated that of the 463 sane epileptics in the workhouses, 131 were kept in lunatic wards. Our medical investigators found 157 sane epileptics in the Poor Law institutions in their areas. From this it might be expected that there would be 758 sane epileptics in Poor Law institutions throughout Ireland. The Commission recommended that separate institutions should be provided for these inmates, and suggested that the disused workhouses should be made available. The Commission further recommended that these institutions should be supervised by the Inspectors of Lunatics, and that the management of the institutions should be similar to that of lunatic asylums. Sane epileptics in workhouses. Cd. 3202, p. 41. *See* p. 438, Group B, col. 7, below.

1076. This Commission was merely considering the provision necessary for the cases of sane epileptics then in workhouses in Ireland. We, however, have to contemplate the provision which would be necessary for about 1,200 sane epileptics, and highly desirable for possibly half of the 1,120 insane epileptics in Irish asylums. In other words, we have to consider the possibility of making provision for about 1,800 persons afflicted with epilepsy. Probable provision necessary for epileptics in Ireland.

1077. The border line between sanity and insanity in the cases of epilepsy which are so pronounced as to need accommodation at all, is so fine that probably one institution for epileptics needing accommodation would suffice, arrangements as to separation into the two classes of sane and insane being made within the institution, and for the transfer from the one class to the other class within the same curtilage as occasion required. Sir George O'Farrell considered that there would be no objection to dealing with various classes of mentally defective persons on the same estate, and that epileptics might be provided for in an epileptic block on the villa colony system. Cf. Connolly Norman, Vol. III., 22311. O'Farrell, Vol. III., 22146.

(*) The figures in the case of the Irish asylums are given for the one year (1904) and *not* the average of five years.

IRELAND.

The Number of Epileptics in Ireland and the provision made for them.

Opinions of Medical Investigators as to provision for sane epileptics. Vol. VI., p. 447.

1078. Our Medical Investigators in Ireland made the following remarks on the question of provision for sane epileptics. Dr. Dawson, our Medical Investigator in Dublin, says :—

"It has been seen that all the epileptics, even in the special wards of the South Union Workhouse, were not sane. Still a considerable proportion of sane epileptics would have to be provided for, as many are at large who would be better in institutions, even though mild and infrequent seizures do not always prevent epileptics from earning their living. The Vice-Regal Commission has recommended (Report, Vol. I., 164) that sane epileptics should be kept in separate institutions, and that two disused workhouses should be reserved for them. Probably there would be less objection to the use of old workhouses for this purpose than for the insane, but unless the recommendations of the Commission (which include the abolition of workhouses as such) be carried out generally, there may be difficulty in securing sufficient accommodation in this way, especially as many more epileptics will have to be provided for than the 463 who are stated in the above Report to have been in the workhouses of Ireland on March 11th, 1905. In any method of providing for epileptics, the necessity for land on which they, especially the males, can be kept employed at the outdoor labour essential to their proper treatment must be borne in mind, and, in view of the tendency of epilepsy to lead to mental aberration, facilities for the transfer of such cases to asylums if required should be provided. On the whole, the colony system seems to promise best, but if this be too expensive the adoption of measures based on the recommendations of the Vice-Regal Commission may be approved, provided that there is sufficient land attached to the workhouses."

Dr. Graham, our Medical Investigator in Belfast, whose untimely death we regret to recall, says :—

Vol. VI., p. 472.

"The numbers of sane epileptics requiring further provision will strike one forcibly. Many intelligent and often skilled operatives are becoming unremunerative, and burdens on the community, owing to the increasing difficulty of obtaining suitable work in the city manufactories. These, instead of being drafted into workhouses or other institutions, should be placed in suitable colonies possessing facilities for various types of employment, thus making them in part, if not wholly, self-sustaining. The advisability of associating with the adult sane epileptics in these colonies the severer types of sane epileptic children, who could have opportunities for physical development and education in useful trades, will appeal to those who are opposed to a multiplicity of institutions."

Dr. FitzGerald, our Medical Investigator in Cork, says :—

Vol. VI., p. 492.

"The provision of suitable care for the sane epileptic, who is, wholly or in part, dependent, seems highly advisable. A colony with a large farm attached and fitted with facilities for the carrying on of various industries should be provided."

Vol. VI., p. 515.

Dr. Mills, our Medical Investigator in Galway, says :—

"Many of the sane epileptics are in a condition needing urgent relief, and this could bes be provided on the lines of Bielefeld in Germany or Sonyea in New York. A central institution for epileptics in Ireland, worked on the most approved modern lines, seems to me to be much required, and the activity of the English county councils and philanthropic bodies, in their care of the epileptic, stands in need of much emulation in Ireland."

Offer to make provision for epileptics.

1079. In connection with the steps to be taken to make this provision, we have received the following communication :—

Copy.

Philanthropic Reform Association,
188, Great Brunswick Street, Dublin.
November 1st, 1906.

The Chairman of the Royal Commission on the Care and Control of the Feeble-minded, Westminster, S.W.

DEAR SIR,—I am directed by the Committee of above to draw your attention to the fact that the Countess of Meath offered some years ago the sum of £5,000 to provide a Home for sane epileptics in Ireland. Owing to the difficulty of maintaining such a Home when established it has not been found practicable up to the present to accept Lady Meath's offer, which is still open. The Committee hope that the recommendations made by your Commission will include provision for the maintenance of inmates in such a Home. If this maintenance were provided the £5,000 could be used.

Yours faithfully,
(*Signed*) ETTA TOLERTON.

Conditions under which offer to make provision for epileptics might suffice.

Recommendation XXIX.

1080. As we have already said, we are of opinion that one epileptic colony for Ireland might meet the needs of those epileptic cases which require accommodation, with a view to their proper care, control and treatment. Those cases which are "mentally defective" could be separated from those who are thought to be sane, but both could be provided for in the same colony and under the same management. The county councils could, in combination, under our scheme agree to maintain such a colony, and as regards the initial capital outlay, which would necessarily be heavy, a building grant from the Treasury would no doubt be required. The generous offer of the Countess of Meath would form a valuable nucleus of the fund required, but it could not be expected to cover more than a small proportion of the cost involved.

1081. As regards the mentally defective epileptics, there are at present in Irish asylums 1,120 such cases. Many of these are acutely insane, and are properly and best treated where they are. Probably only one-half of them (if so many) would be suitable for transfer to a colony. The transfer of such cases to a colony would possibly prove to be economical to the county council, and of undoubted advantage to the patients. The Recommendations we make as to Treasury contributions towards maintenance of all mentally defective cases would, of course, apply to such cases in the colony.

Mentally defective epileptics. O'Farrell, Vol. III., p. 77.

Recommendations XXVIII-XXXV.

1082. As regards the sane epileptics, of whom we estimate there are about 1,200 needing such provision (inclusive of those at present in workhouses), many of these cases, if so pronounced as to need permanent care, would probably sooner or later drift into the mentally defective class. Experience has proved this in the case of the famous Craig Colony for Epileptics in America. As regards the sane cases, however, which were sent by the guardians, which would appear to form nearly one-half of the total, the guardians have at present to maintain them at considerable expense and great inconvenience to the working of the institution. Any expense on their behalf incurred by the Committee for the care of the mentally defective would be merely transferred expenditure.

Sane epileptics.

See paragraph 1074 above.

See pages 438 and 439 below, col. 7.

1083. Over and above the epileptics in workhouses there would remain about an equal number considered to be sane, though needing provision, most of whom are at present at large. These cases are not "pauper" cases, and it is probable that they would be able to contribute in money, to some extent at least, towards their maintenance; if they were not in such a position, the fact that they had been able to maintain themselves outside without needing the assistance of the Poor Law would seem to show that the value of their labour within the colony would go at least some way towards the expense of their maintenance. We recommend that the Committees for the care of the mentally defective be authorised to consider and deal with cases of sane epileptics and to provide for their accommodation, and maintenance, care, treatment, education, training and control, and with regard to these epileptics shall have the powers referred to in Recommendations XXII.–XXIV (inclusive), XXVII. and XXVIII., XXXII.–XXXV. (inclusive), XXXVII.–XXXIX. (inclusive), and in Recommendations from LVIII.–LXIV. (inclusive), so far as may be necessary. The powers contained in the following general recommendations as to the mentally defective are also specifically applied to epileptics not mentally defective, viz., Preamble (1), Recommendations XXIX., XXX., LXX. and LXXI. The Recommendations we make as to Treasury Contributions towards the maintenance of mentally defective persons apply equally to cases of sane epileptics for whom provision is made by the Committees.

Recommendation LXVIII.

The Condition of Mentally Defective Children in Ireland.

1084. We find that the mentally defective children (*see* the table below) in the public elementary schools number ·44 in Belfast, ·33 in Cork, 1·19 in Dublin, 1·18 in Galway, indicating an approximation between Dublin, the large urban district with its mixed population, and the rural district, the seven Galway unions. The differences in these figures may to some extent be attributed to differences in the methods of investigation adopted. Everywhere (compare Columns 7 and 10) these children are quite unprovided for, and are in urgent need of proper care and supervision.

Condition of mentally defective children in public elementary schools in areas investigated by our Medical Investigators.

Vol. VI., p. 41.

Area (Unions). 1.	Children on the Rolls.			Children Mentally Defective.				Children "Needing Provision."		
	M. 2.	F. 3.	Total. 4.	M. 5.	F. 6.	Total. 7.	Percentage col. 7 on col. 4. 8.	M. 9.	F. 10.	Total. 11.
Belfast - -	32,287	31,732	64,019	186	94	280	·44	186	94	280
Cork - - -	9,256	11,021	20,277	42	25	67	·33	42	20	62
Dublin (City) -	22,111	22,561	44,672	307	224	531	1·19	298	217	515
Galway - -	12,736	13,651	26,387	187	125	312	1 18	187	125	312
Totals - -	76,390	78,965	155,355	722	468	1,190	·77	713	456	1,169

Belfast. Vol. VI., pp. 456–458.

1085. Dr. Graham, our Medical Investigator in Belfast, thus comments on the conditions prevailing in the elementary schools there :—

> Of the "twenty-nine imbeciles" among the school population it is said that "these children are apparently sent to school more as a sort of day nursery than to be educated. The majority are quiet and obedient, but cannot be depended on when teased by other children. . . . Their habits are degraded, and they often make themselves extremely offensive to their more sensitive companions. Of the defective children (forty-eight males and eighty-one females): "Some display marked aberrance of conduct, such as pilfering from other children and from their own homes. Others are quite unmanageable and a great source of irritation to their teachers, as well as a bad example to other scholars. Of the feeble-minded, three in number, two were boys eighteen years of age, one a cretin, one odd, and the third, a boy of seventeen, greatly deformed, was sent to school to 'keep him out of mischief.'" "As regards the presence of idiots or imbeciles in a public school for the purpose of education, there can be no question whatever as to its futility and worthlessness, not to speak of its undoubted cruelty in many instances.".
>
> And of the schools themselves, "the poorest counties in Ireland," the Commissioners of National Education state, "are better off in this respect than a city which prides itself on its wealth, enterprise and progress." To illustrate this two instances are given :—
>
> "My own observation supports this statement to its fullest extent. One school which I visited had a small classroom for infant children, on opening the door of which I was compelled to stand back to permit a clearing away of what cannot be described in less terms than a stench. Greatly to my surprise I found this room literally packed with infants up to six years of age, as tightly as the small benches could admit them, while others were crowded over the floor up to the teacher's feet. In order to make my inspection I had to step over two rows of children after the teacher had vacated her place, as there was not standing room for both of us. There were from fifty to sixty children present, with one small window partially open for ventilation!"
>
> "In a classroom belonging to another school which was almost full of boys, there is no window which opens, and the only ventilator is a broken pane of glass. The teacher merely stared in amazement on my suggesting to her that one of her boys with a few stones should be permitted to rectify matters by opening up a couple more panes. The odour was simply unbearable."

There is thus in Belfast the double evil—schools whose insanitary conditions would in all normal conditions be productive of lowered vitality and ill-health, and the retention in such schools of mentally defective children who, while they cannot there themselves be educated, are a source of trouble and annoyance to those who can be.

Dublin. Vol. VI., p. 416, and Vol. VI., p. 41.

1086. The investigation in Dublin disclosed unsatisfactory conditions of school accommodation, which suggest a comparison with Belfast. But a distinctive feature of it was an examination of the relation between the schools in which children of a different social status were taught, and the amount of mental defect in the several grades of schools. Thus :—

—	Number of Schools.	Child Population of Schools passed under review.	Mentally Defective.	Total Percentage of Mentally Defective.
A: attended chiefly by the children of civil servants and other clerks, and of small merchants - -	41	4,502	46	1·02
B: attended by children of the artisan class and others of the same social level -	66	12,951	194	1·50
C: attended chiefly by the children of temporary labourers, street dealers, and even lower classes -	75	16,117	288	1·78

Galway Unions. Vol. VI., p. 504.

1087. In the Galway Unions, Dr. Mills attributes the very large percentage of mentally defective children to the causes that affect the population generally —the stock depleted by emigration, the hard and anxious life, and the "unceasing toil in which the children participate from an early age," the unwholesome and sometimes insufficient food, and "the greatly increased number of persons who become parents after an attack of insanity."

The General Position in Ireland as regards Mentally Defective Persons compared with Great Britain.

1088. An analysis of the results of our medical investigations in Ireland shows that of the total number of mentally defective persons in these areas, viz., 5,247, no less than 1,588 are mentally defective children under sixteen years of age. Of this number (1,588), 1,387 are "defective" children, that is, defective as defined in the Elementary Education (Defective and Epileptic Children) Act, 1899, Sec. 1, viz., children who "by reason of mental (or physical *) defect are incapable of receiving proper benefit from the instruction in the ordinary public elementary school, but are not incapable by reason of such defect of receiving benefit in such special classes or schools as are in this Act mentioned." The total number of 1,588 mentally defective children found in the areas comprises the 1,387 "defective" children as above plus 201 children who are either insane, idiots, imbeciles, feeble-minded, or sane epileptics.

Number of mentally defective children in Ireland and absence of provision for the same.

See pp. 438 and 439 below col. 6.

It would thus appear that in the whole of Ireland we might expect to find 7,580 mentally defective children, or over one-third of the total mentally defective persons (other than certified persons of unsound mind), which we estimate at 25,415. But whereas we estimate that about 66 per cent. of the whole mentally defective population found require provision, in the case of the "defective" children we estimate that at least 94 per cent. of these "need provision." This greatly increased percentage of cases requiring provision amongst the children is due to the fact that there is absolutely no suitable provision for such children in Ireland; whereas in England, at present, a large number of children are dealt with, to some extent at least, under the Elementary Education (Defective and Epileptic Children) Act, 1899.

Vol. VI., p. 77, cols. 18 and 21.

1089. It has to be remembered that in Ireland, even ordinary elementary education for children is only compulsory in municipal boroughs or towns under Commissioners, or in adjoining parts to which the Education Act has been applied by the Commissioners of National Education after inquiry and with the consent of the local authority, or in other districts where the Act is applied on the resolution of the county council.

The Law as to Education in Ireland. Irish Education Act 1892, Sec. 15.

In places where the Act is so applied, it was proposed by a Bill, presented to Parliament on behalf of the Government in 1905 and 1906, to extend similar provisions to those of the English Elementary Education (Defective and Epileptic Children) Act, 1899 to Ireland, but the Bill was withdrawn on each occasion. We have not recommended, in the case of England and Wales, that this Act should continue to apply to mentally defective children or to epileptic children so afflicted by severe epilepsy as to be unfit to attend ordinary public elementary schools, and we think that the alternative scheme recommended by us as to the care and control of such children is equally applicable to Ireland, and we recommend its adoption there accordingly. There are not, however, in Ireland local school authorities in every district, such as exist in England. The Irish National School system is under the control of the National Educational Commissioners, and the only local authority is the manager, usually a clergyman, with limited administrative functions.

Irish Education (Afflicted Children) Bill, 217, 1906.

Recommendations LVII-LXIV.

1090. Under our scheme, the county council or county borough council of each locality will become the authority responsible for making suitable and sufficient provision for the accommodation and maintenance, care, treatment, education, training, and control, of all mentally defective persons irrespective of age, but it is not intended that the maintenance at public expense of the mentally defective should be extended to those who either at their own cost, or at that of their relatives or friends, can be otherwise suitably and sufficiently provided for (*see* Preamble (1) to Recommendations below). These authorities can make such provision either themselves or by contracting with other local authorities, where they exist, or with managers or others as may appear to them desirable. In cases where the county council provides for such cases by contract with others, the council is responsible for the provision being suitable and adequate for the individual case, not only at the time when the child is sent, but during the continuance of the contract.

Provision to be made by local Authorities. Recommendation XVIII.

Preamble (I.) to Recommendations.

Recommendation XXX.

The General Position in Ireland as regards Mentally Defective Persons compared with Great Britain.

1091. The position in Ireland is even more grave than in England and Wales, or in Scotland. As regards the insane, the figures of the census years from 1871–1901 show the advancing proportion of the insane to the general population in Ireland, England, and Scotland, respectively. The following Table shows

The position in Ireland as to insane persons.

* For the purposes of this enquiry only mental defect is included.

the proportion per 10,000 of the population of the insane in each of the three countries :—

Matheson, Vol. III., p. 126.

TABLE SHOWING THE PROPORTION PER 10,000 OF THE POPULATION ENUMERATED AS INSANE IN IRELAND, ENGLAND AND SCOTLAND, AT THE CENSUSES OF 1871, 1881, 1891, AND 1901 RESPECTIVELY.

Census Years.	Ireland.	England.	Scotland.	Census Years.
1871	30·49	30·39	33·97	1871
1881	35·58	32·53	38·54	1881
1891	45·04	33·58	38·41	1891
1901	56·18	40·78	45 37	1901

Courtenay, Vol. III., p. 114. col. 2.

1092. The actual numbers of the insane in the three countries were as follows :—

TABLE SHOWING THE NUMBER OF THE INSANE IN IRELAND, ENGLAND AND SCOTLAND RESPECTIVELY, AT THE CENSUSES OF 1871, 1881, 1891, AND 1901.

Census Years.	Ireland.	England.	Scotland.	Census Years.
1871	16,505	69,019	11,413	1871
1881	18,413	84,503	14,397	1881
1891	21,188	97,383	15,462	1891
1901	25,050*	132,654†	20,291	1901

The position in Ireland as to mentally defective persons (other than certified lunatics).

1093. As regards the mentally defective (other than certified lunatics), the position of Ireland, whether as regards the probable number of all cases, or of those in urgent need of provision, is again shown by the following Table to be even more unsatisfactory than is the case either in England and Wales or in Scotland. In this Table are stated : (1) the number and the percentage of the mentally defective in the population of the total areas investigated in England, Scotland, and Ireland ; and (2) the number and percentage of such persons, as estimated proportionally to the population at large in the several countries. The limitations to be considered in relation to such a proportional estimate are obvious. It can be taken only as an estimate.

1.	Population of areas investigated. 2	Total mental defectives reported. 3	Percentage: col. 3 on col. 2. 4	Total population England and Wales, Scotland and Ireland. 5	Number of mentally defective proportionate to population. 6
England and Wales -	2,362,222	10,925	·46	32,527,843	149,628
Scotland (Glasgow) -	623,829	1,614	·26	4,472,103	11,627
Ireland - - -	927,755	5,247	·57	4,458,775‡	25,415

Vol. VI. page 52.

1094. In the following Table are set out the number and percentage of those for whom, in the opinion of the medical investigator, provision is required. They represent "an estimate of the number of persons at the present time urgently in need of provision, either (1) in their own interest, or (2) for the public safety. It is recognised that there may be many others for whom the present accommodation is not ideal. These are not included, but only such cases as are, in the opinion of the investigator, improperly, unsuitably, or unkindly cared for, and who, by reason of particular habits and characteristics, are a source of danger to the community in which they live."

Vol. VI., p. 52.

1	Number of mentally defective proportional to population. 2	Number returned as requiring provision proportional to population. 3	Percentage: col. 3 on col. 2. 4
England and Wales - -	149,628	66,509	44·45
Scotland - - - -	11,627	4,019	34·57
Ireland - - - - -	25,415	16,789	66·06

Supplement to 54th Report of Inspectors of Lunatics, Cd. 3126, p. 23.

* With regard to the numbers of insane in institutions in Ireland, it may be noted that an investigation made by the Inspectors of Lunatics some years ago showed that there were almost 1,500 cases, *i.e.*, about 7 per cent. of the total number resident, who could be classed as "returned emigrants." In some district asylums the numbers who have developed insanity elsewhere than in Ireland are relatively large. In Castlebar Asylum, for instance, 11 per cent. of the entire population may be put in this class, those who have returned from the United States forming the bulk of these cases.

† In 1901, in the Occupiers Census Schedule the term "feeble-minded" was substituted for "idiot." This has destroyed the comparability of these figures with those of previous Censuses. The term is one which it is obviously difficult to define, and it is not easy to estimate the true value of the increased numbers resulting from the change. (*See* Tatham. Vol. I., p. 269, col. 2).

‡ 1891 Population of Ireland, 4,704,750.

The General Position in Ireland as regards Mentally Defective Persons compared with that in Great Britain.

1095. Thus Ireland, unhappily burdened as it is with its comparatively undue proportion of certified persons of unsound mind, is found to be in a similarly unfortunate position as regards its proportion of mentally defective persons other than those of unsound mind, and what is even more serious, in view at any rate of its poverty, it is also confronted with a similarly undue proportion of cases in urgent need of provision. Outside the institutions for lunatics and the workhouses there seems to be in existence no provision for mentally defective persons, with the exception of the one small, though admirable, institution, the Stewart Asylum for Imbeciles at Palmerstown, which can, at present, only provide for 103 cases. As regards epileptics, the generous offer of the Countess of Meath, supplemented possibly by other philanthropists and by grants from the Treasury or local authorities, for the provision of further buildings, land, and equipment, would seem to afford a reasonable chance of a solution of this part of the problem. The maintenance of the persons therein can be provided for from public sources, as we have explained above (paragraphs 1080–1083). As regards mentally defective persons generally, there is urgent need for an extension of the one existing institution, the Stewart Institution, and for the establishment of similar voluntary institutions. There is no doubt that several institutions would be required even when the Stewart Institution had been enlarged to its utmost capacity, and, if necessary, they should be established by the local authorities.

The position in Ireland as to mentally defective persons (other than certified lunatics) —*contd.*

Pars. 1080–1083.

1096. Although we recommend that a statutory obligation should be imposed on the local authorities in Ireland, as in England and Wales and Scotland, to provide suitable and sufficient provision for the accommodation and maintenance, care, treatment, education, training and control of all mentally defective persons, we feel glad, in the peculiarly distressing conditions of Ireland, to be able to believe that the co-operation of religious denominations and private persons will in the first instance in all probability assist the local authorities, to some extent at least, in the provision of such accommodation. The initial capital outlay, even though substantially contributed to by the Treasury, is the great difficulty; the maintenance of the institution when started and the inmates to be sent thereto would, we think, be a charge which might well be borne by the local authorities, aided as they would be by a substantial Treasury Grant.

Voluntary aid to local authorities in providing accommodation. Recommendation XVIII.

1097. We quote below certain extracts from the evidence of Sir Christopher Nixon, M.D., Ex-President of the Royal College of Physicians of Ireland. We earnestly hope that his anticipations may be realised. It is only by such aid to the public provision that may be possible that we can expect the problem to be effectually dealt with in Ireland. We have seen for ourselves in Ireland many of the admirable voluntary institutions which owe their origin to charitable sources, such as the Stewart Institution for Imbeciles, and the splendid work done and institutions provided by the religious Sisterhoods and by the Christian Brothers, and so on.

Possibility of voluntary aid being forthcoming.

Some of our members have also visited the colony for mentally defective persons at Ursberg in Bavaria, under the charge of Sisters of the Congregation of St. John, referred to by Sir Christopher Nixon, of which colony they speak very highly. The devotion of the Sisters to that work, and the admirable results achieved, cannot fail to arouse enthusiasm in anyone who has been fortunate enough to visit the colony.

Appendix, Vol. V., p. 309.

Sir Christopher Nixon thus describes the possibilities of achieving like results on a large scale in Ireland :—

"I would be very slow to believe that in Ireland the springs from which flowed such helpful sustenance for many objects worthy of sympathy and support, have dried up. It is easy to refer to a number of institutions, largely subsidised by private benevolence: the Institution for the Deaf and Dumb, that for the Blind, the O'Brien Institute, the Stewart Institute for Imbeciles and Epileptics, the various reformatory and industrial schools, our metropolitan and provincial hospitals, are instances in point. Would not an institution for the feeble-minded attract substantial public support? . . . . I confess, however, that to me the ideal institution for dealing with the defectives would be the establishment of a large colony under the charge of some religious Order such as has been established in Ursberg, Bavaria, the work and organisation of which has been so fully described by Dr. Alfred Eichholz. This colony, under the charge of the Sisters of the Congregation of St. John, provides for the care of 752 mental defectives, 111 blind, eight deaf mutes, and 145 epileptics. The colony is self-contained, and provides for its own needs by its own industry. It is unnecessary that I should repeat what is so fully described by Dr. Eichholz, but I should like to endorse his words as specially applicable in a country like Ireland, which can point to the good results effected by religious Orders in ministering to the wants of its population You have striking instances of this in the educational work undertaken by the religious Sisterhoods of Mercy and Charity, in the work done by the Christian Brothers in primary and intermediate education, in their care of the deaf and dumb, and in reformatory schools: in the care of the insane undertaken by the Brothers of St. John of God, and by the French Sisters of Charity. If any of these

Nixon, Vol. III. 22555, p. 104, c.

Summary of the Existing Accommodation for Mentally Defective Persons, and Suggestions as to Fresh Accommodation Required.

Possibility of voluntary aid being forthcoming—*contd.*

Orders, or Orders of a like kind, could be prevailed on to take charge of a colony for the feeble-minded, such as exists in Ursberg, the problem of dealing with defectives in Ireland would be solved. Whether this problem be viewed from the religious, or simply the practical worldly aspect, the result is the same, and I heartily subscribe to the view of Dr. Eichholz when he says that 'Though the State may go far to solve the problem of its feeble-minded, even to endowing colonies such as Ursberg, it may yet feel grateful when voluntary effort steps in, for it is doubtful whether public money alone could ever command the self-sacrifice which such an undertaking demands.'"

Eichholz, Vol. I., p. 20[illegible] c. 2. App. Vol. V., p. 308.

It should be pointed out, however, that this institution is not self-supporting, as grants are received from outside sources.

Recommendation XXIX.

1098. As regards the maintenance of inmates in these institutions, the grant, under our Recommendation, to be made by the Treasury to the county councils would enable the local authorities to recoup themselves to a large extent for the charges involved. The crucial difficulty is as to the initial capital outlay. We are glad to call attention to the following extract from the Report of the Royal Commission on the Blind, etc., 1889 [(C. 5781, Pars. 764, 827–8.)] as to the possibility of such institutions being started in Ireland.

Royal Commission on Blind, etc., Report 1889, C. 5781.

Paragraph 764. Archbishop Walsh's Memo. Question 8.

His Grace Archbishop Walsh, when asked: "Do you think that any religious Order in Ireland could be found to undertake the industrial training of the deaf and dumb, and blind in schools analogous to the Artane Industrial School, or the education of the educable class of imbeciles?" replied, "No misgiving need be entertained on this score. As regards the Catholic side of the question—and of course on this point I can speak only for the Catholic side—our resources in this respect are practically unlimited."

Paragraph 827. Archbishop Walsh's Memo. Question No. 13.

On Archbishop Walsh being asked the question: "As there is no denominational institution for the education of Roman Catholic imbeciles or idiots, should such institution be started previous to any grant being given from Imperial sources?" he replied "that he did not think it would be unreasonable on the part of the State to require that the institution should be in the first instance established."

Paragraph 828. Archbishop Walsh's Memo. Answer No. 13.

Report of the Royal Commission on the Blind, etc., 1889, par. 828.

He also added: "I assume that help would be given to the promoters, either in the form of a building grant or of a loan repayable on easy terms. I have no doubt that in the event of a definite arrangement being made, such as I have now indicated, the institution could be established on a very efficient footing without delay. As regards buildings, I would suggest that some of the existing workhouses might be made use of for the purposes. Some reconstruction, no doubt, would be necessary to remove the depressing and prison-like aspect of those establishments. But the cost would be trifling compared with that of building new institutions. I understand that many of our existing workhouses can be dispensed with."

Necessity for provision at public expense for the mentally defective.

1099. The possibility of such provision being made in some instances by voluntary effort does not, however, affect our Recommendation XVIII., which provides that the final responsibility for making provision shall rest with the committees of the local authorities for the care of the mentally defective. Whilst recognising that help might be confidently looked for from religious orders, and to a lesser extent from other voluntary sources, we think that, as stated elsewhere, without generous State aid it will be practically impossible in Ireland to deal with the problem of providing adequately for the mentally defective.

Summary of the existing accommodation for mentally defective persons, and suggestions as to fresh accommodation required.

SUMMARY OF THE EXISTING ACCOMMODATION FOR MENTALLY DEFECTIVE PERSONS, AND SUGGESTIONS AS TO FRESH ACCOMMODATION REQUIRED.

1100. We now proceed to summarise the existing accommodation for the various classes of mentally defective persons and the provision which would probably be needed for each class:—

(a) *Idiots, Imbeciles and Feeble-Minded.*—There is no special provision for these cases at present outside the asylums and workhouses (with the exception of the 103 cases maintained in the Stewart Institution).

From an analysis of our Medical Investigators' Reports as to the numbers in the areas investigated it might be estimated that in the whole of Ireland there would be 624 idiots, 2,811 imbeciles, and 4,013 feeble-minded, of whom 580 idiots 2,185 imbeciles, and 2,006 feeble-minded would, it is estimated, "need provision."*

See paragraph 1072.

Probably three or four mentally defective institutions and a large extension of the Stewart Institution would suffice for these and those coming under (c) below, so far as those coming under (c) required institutional care. The total of classes (a) and (c), needing provision might be expected to reach 6,331.

(b) *Epileptics.*—There is no provision at present for epileptics except in workhouses and asylums.

* For meaning of "needing provision" *see* paragraph 1103.

Summary of Existing Accomodation for Mentally Defected Persons, and Suggestions as to Fresh Accommodation Required.

Summary of the existing accommodation for mentally defective persons, and suggestions as to fresh accommodation required—*contd.*

There are at present about 1,120 epileptics in asylums, and an estimated number of about 1,200 sane epileptics needing provision (758 of whom are estimated to be in workhouses at present). In other words, accommodation is urgently required for 1,200 epileptics and highly desirable for a proportion (possibly one-half) of the 1,120 epileptics at present in asylums. These numbers make it probable that one colony for the whole of Ireland would suffice.

See paragraphs 1074-1076.

(c) **Defective Children.*—There is no provision for educating or training these children in Ireland.

See pages 438-439, col. 6, and paragraph 1088 above.

We estimate that there are 6,688 such children in Ireland, of whom 6,242 need some provision.

O'Farrell, Vol. III., p. 77.

Of these 6,242, although training in day schools might possibly suffice for 75 per cent., it is probable that at least 25 per cent., or 1,560, of them would require institutional care, and these might be provided for in a separate block of the institutions alluded to in (a) above.

Cf. Kerr, Vol. I., page 435, col. 1.

(d) *Uncertified "Persons of Unsound Mind"* (including senile dements).—There would appear to be 1,824 of this class in the areas investigated. We should estimate, therefore, that there would be about 8,900 of this class in Ireland, of whom rather less than half, or about 4,300, would need provision. But by far the larger number of these are in workhouses at present. In fact, from our medical investigators' reports, we should expect to find generally in Ireland about 82 per cent. of the "senile dements" and about 57 per cent. of the "uncertified" persons of unsound mind in workhouses.

See pages 438-439, cols. 1 and 2.

At the same time, it must be noted that as regards more than half of the senile dements in workhouses our medical investigators appeared to be satisfied with the suitability of workhouse accommodation for them, whereas as regards the uncertified persons of unsound mind they were of opinion that two-thirds of them ought to be more suitably provided for.

Extension of the Auxiliary Asylum System

1101. An extension of the auxiliary asylum system as recommended by the Vice-Regal Commission on Poor Law Reform, 1906 (Cd. 3202), would provide more suitable accommodation for those who needed to be removed from the workhouses. Those whom the county council, as the local authority for the care and control of all mentally defective persons, thought fit to allow to remain in the workhouses would be kept there under the supervision, protection and oversight of the county council for so long a time as the county council, advised by its medical officer, deemed advisable; and, of course, at the expense of the county council, who would contract with the guardians as to the payments to be made in respect of these cases.

Vice-Regal Commission on Poor Law Reform, 1906. [Cd. 3202.]

Report of the Vice-Regal Commission on Poor Law Reform, paragraph 152, p. 37.

Writing of Youghal Auxiliary Asylum, the recent Vice-Regal Commission on Poor Law Reform in Ireland states:—"One could not compare favourably with the Youghal Auxiliary Asylum even the best or rather the least objectionable of lunatic wards in workhouses, and the insane inmates of workhouses would undoubtedly gain immensely by a transfer to such an institution as Youghal." When it is remembered that the Vice-Regal Commission visited every workhouse in Ireland, as well as the auxiliary asylum, it must be admitted that their views are entitled to the greatest consideration.

Fitzgerald Cork, Vol. VI. p. 491.

1102. Since no grant is given from the Local Taxation Account for the maintenance of the insane detained in workhouses, it remains that on financial and humanitarian grounds it would be advisable to remove the insane from workhouses even under the present conditions of the grant. We append the following extract from the Inspectors of Lunatics recent report on the Youghal auxiliary asylum:—

"This establishment continues to afford excellent accommodation for chronic and harmless insane. The wards were in good order. The bedding was good and kept in excellent order. The dinner was served in the dining room with proper order and decency. Having regard to the number of old and helpless patients in the institution the percentage of employment must be considered most creditable."

Table showing Mentally Defective Persons (excluding certified lunatics) found and needing provision in areas investigated.

1103. The following table shows the total number of mentally defective persons, excluding certified lunatics, found by our Medical Investigators in the areas investigated, classified under the different groups, and arranged according to the different grades of mental defect. It also shows the number of such persons of each grade of mental defect in the areas investigated whom the Medical Investigators considered were "needing provision," *i.e.*, "persons at the present time urgently in need of provision, either (1) in their own interest; or (2) for the public safety. It is recognised that there may be many others for whom the present accommodation is not ideal; these are not here included, but only such cases as are, in the opinion of the investigators, improperly, unsuitable, or unkindly cared for, or who, by reason of particular habits and characteristics," are a source of danger to the community in which they live."

* For meaning of "defective" children" see paragraph 1088 above.

TABLE SHOWING THE NUMBERS OF MENTALLY DEFECTIVE PERSONS (EXCLUDING CERTIFIED LUNATICS) IN THE AREAS INVESTIGATED BY THE MEDICAL INVESTIGATORS ACCORDING TO CLASS AND GROUP, AND THE NUMBERS NEEDING PROVISION IN EACH CLASS AND GROUP.

N.P.=Needing Provision.

		Insane.												Epileptics.					
		1. Senile Dements.		2. Other Persons of Unsound Mind.		3. Idiot.		4. Imbecile.		5. Other Feeble-Minded.		6 Defective Children.		7. Sane.		8. Others.		9. Total.	
			N.P.		*N.P.*		*N.P.*		*N.P.*		*N.P.*		*N.P.*		*N.P.*		*N.P.*		*N.P.*
Group A (Children in Public Elementary Schools)	Dublin	–	–	1	*1*	1	*1*	41	*41*	3	*3*	469	*469*	16	–	(6)	(*6*)	531	*515*
	Belfast	–	–	–	–	1	*1*	29	*29*	3	*3*	229	*229*	18	*18*	(10)	(*10*)	280	*280*
	Cork	–	–	–	–	–	–	2	*2*	–	–	56	*56*	9	*4*	(3)	(*3*)	67	*62*
	Galway	–	–	–	–	–	–	7	*7*	–	–	305	*305*	–	–	(4)	(*2*)	312	*312*
Group B (Children and Adults in Poor Law Institutions)	Dublin	447	*163*	371	*278*	37	*37*	83	*81*	172	*96*	74	*67*	73	*72*	(97)	(*97*)	1,257	*794*
	Belfast	81	*1*	111	*24*	2	–	29	–	7	*65*	17	*10*	36	*32*	(61)	(*30*)	347	*132*
	Cork	34	*27*	95	*82*	4	*4*	20	*20*	4	*3*	4	*4*	33	*27*	(20)	(*20*)	194	*167*
	Galway	38	*34*	47	*42*	2	*2*	29	*29*	20	*15*	14	*14*	15	*14*	(5)	(*3*)	165	*150*
Group C (Children and Adults in receipt of Outdoor Relief)	Dublin	1	–	4	*3*	1	*1*	4	*4*	1	–	1	–	7	*5*	(2)	(*2*)	19	*13*
	Belfast	2	–	3	*1*	1	*1*	–	–	–	–	–	–	2	*1*	(1)	(*1*)	8	*3*
	Cork	–	–	1	*1*	2	*2*	2	*2*	–	–	–	–	1	*1*	(–)	(–)	6	*6*
	Galway	5	*2*	6	*6*	2	*2*	2	*1*	8	*1*	–	–	–	–	(1)	(–)	23	*12*
Group D (Persons known to Sanitary Authorities)	Dublin	1	–	3	*3*	4	*4*	–	–	1	*1*	–	–	–	–	(1)	(*1*)	9	*8*
	Belfast	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Cork	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Galway	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Group E (Persons relieved by Medical Charities)	Dublin	13	*2*	15	*2*	–	–	–	–	13	*2*	9	*5*	28	*11*	(2)	(*1*)	78	*22*
	Belfast	1	*1*	6	*2*	–	–	–	–	–	–	2	–	2	–	(–)	–	11	*3*
	Cork	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Galway	1	–	8	*2*	2	*2*	5	*1*	13	*2*	–	–	3	*3*	(2)	(–)	32	*10*
Group F (Persons known to General Practitioners)	Dublin	2	–	5	*1*	1	–	1	*1*	–	–	1	*1*	8	*2*	(1)	(–)	18	*5*
	Belfast	6	–	16	*3*	6	*2*	17	*8*	6	*1*	4	*4*	34	*5*	(12)	(*6*)	89	*23*
	Cork	–	–	2	*2*	–	–	–	–	1	*1*	1	*1*	9	*7*	(–)	(–)	13	*11*
	Galway	–	–	10	*4*	–	–	9	*9*	2	*1*	4	*4*	13	*4*	(2)	(*2*)	38	*22*

Summary of the Existing Accommodation for Mentally Defective Persons, and Suggestions as to Fresh Accommodation Required.

| | | |

FINANCE.

Grant for buildings and of maintenance.

Recommendation XXIX.

56th Report Inspectors of Lunatics, pp. ix, xiv. and 33.

1104. The local conditions in Ireland are undoubtedly so serious, and the poverty of the country so pronounced that we are of opinion that substantial assistance in the way of a maintenance and building grant from the State, is not only justifiable, but essential, if proper provision is to be made for the large number of mentally defective who are in most urgent need of it.

There were on January 1st, 1907, about 21,856 "insane" maintained at the public expense in Ireland. Of these 18,566 are in district asylums, maintained at an average cost per head, calculated on the gross expenditure including repayments of loans, of about £28 15s. per annum; 3,128 in workhouses, mostly "chronic" lunatics not under certificate (*see* Par. 1063 *above*), at a cost of about £18 12s. 3d. per head per annum*; 162 in the Central Criminal Lunatic Asylum, Dundrum, at a cost of about £43 per head per annum. The total cost of those already provided for is therefore about £598,957 per annum.

Report of the Royal Commission on Local Taxation, Cd. 1068, page 14.

The Royal Commission on Local Taxation in their Report on Ireland, 1902 [Cd. 1068] proposed a new grant for "the provision of asylum accommodation for pauper lunatics and imbeciles." The Report stated that this course of action "would afford substantial relief to the ratepayers, in respect of the local service which is more national in its character than any other, and would be a powerful agent in securing efficient administration and reform, which are urgently required in the poverty-stricken districts of the West."

Comparison between England and Ireland as to rateable and assessable value and requirements.

1105. In round figures the population of Ireland (1901) is 4,457,000 and the rateable value is £15,200,000 or £3 8s. 2d. per inhabitant. But three-fifths of the value is agricultural land, and the "assessable value," in the sense of the English Agricultural Rates Act, that is taking into account land at only one-half of its value and other property in full, is £2 10s. per inhabitant, whereas the average assessable value in England and Wales is over £5 per inhabitant.

The Report of the Royal Commission on Local Taxation, Cd. 1068, p. 21.

Thus it would appear that England is twice as rich in locally taxable ability as measured by this test in proportion to population.

After making every allowance for defects of valuation, it remains true that Ireland is much poorer than England in general, and parts of the west reach extreme depths of poverty, 10s. "assessable value" per inhabitant being about the minimum in any union, as compared with £2 10s. in England.

The average rural rates in Ireland are higher in the £, perhaps by one-third, than in England or Scotland, while the general ability of the average rural ratepayer is certainly less in Ireland than in either of the other countries.

Recommendation XXIX.

1106. We are of opinion that the above facts as to the financial position show that the ratepayers of Ireland could not possibly provide the institutions which, as shown in our Report, will be necessary, unless they receive a substantial building grant-in-aid in addition to a grant for maintenance, etc. We find that Ireland has fifty-six insane out of every 10,000 of its population as compared with forty insane in England. We find that ·57 per cent. of the population

Vol. VI., pp. 73, 55.

of Ireland were mentally defective (other than the certified insane), as against ·46 per cent. in England. Moreover, what is even more serious, in view of the additional expense necessarily involved, we find that 66 per cent. of the mentally defective (other than the certified insane) population in Ireland, is urgently in

Vol. VI., pp. 77, 65.

need of provision as against 44·45 per cent. of such mentally defective population in England.

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* On April 1st, 1908, the Local Government Board of Ireland supplied the following information. "The figures in the Board's last Annual Report at pp. 551–2 which may be taken as the cost of relief in workhouses are as follows :—

	£
In-maintenance and clothing	456,474
Salaries and rations of officers	204,307
Medicines and medical and surgical appliances	10,861
Other expenditure connected with poor relief, less that discharged by loans	125,909
Total	797,551

The numbers relieved during the year represent a daily average of 42,850 persons, and this divided into the cost given above works out at £18 12s. 3d. per head."

1107. The principles on which we suggest that substantial assistance should be granted by the State to aid local authorities (*see* Recommendation XXIX. below) are laid down in Part VIII. of our Report as to England and Wales (Chapter XL. *above*).

Principles on which State grant should be given.

1108. It is impossible to make any close estimate as to what would be the cost of making more suitable provision for the number of mentally defective persons estimated as *needing such provision at the present time in Ireland.

Basis on which estimate as to cost of provision for mentally defective persons needing it may be made.

Everything must depend on the nature of the provision required, and that can only be determined in individual instances, as and when they come before the local authorities.

We have indicated in Preamble (4) to our Recommendations below, three methods of treatment as available. It is obvious that the method of detention is the most expensive, and we do not anticipate that this would be necessary in more than a certain percentage of the cases.

In considering the figures in the Table below it will be noted that the large increase in the suggested probable cost over that at present prevailing is mainly due to two causes :—

(1) Out of a total of 16,789 persons, no less than 4,077 at present involve no direct cost to the public for maintenance, etc.

(2) Out of the remainder of the 16,789 persons (viz., 12,712), no less than 5,796 are mentally defective children for whom no special provision is made at the present time, other than that of the ordinary elementary schools.

The provision for these two classes accounts for no less than £133,886 out of a total suggested increase of £176,075.

In the Table appended we have classified the mentally defective persons "needing provision" under the various groups, in accordance with the arrangement pursued in the case of our medical investigations. We have not, however, alluded to Group J (Idiots in Idiot Asylums) or to Group L (Inmates of Inebriate Homes). The only Idiot or Imbecile Asylum in Ireland is the Stewart Asylum near Dublin and the inmates therein are not in "need of provision." There is a State inebriate reformatory at Ennis for 54 inmates, and a certified inebriate reformatory at Waterford for 30 inmates. Our Medical Investigators, however, found no mentally defective inebriates amongst the inmates coming from the areas investigated.

Vol. III. p. 80, col. 1.

Report of Inspector of Inebriates (Ireland) 1906, p. 5.

* For meaning of "needing provision" *see* paragraph 1103 above.

TABLE SHOWING COST OF MAKING PROVISION FOR MENTALLY DEFECTIVE PERSONS ESTIMATED TO NEED IT IN THE WHOLE OF IRELAND.*

CLASS	How Provided for at present.	Number Needing Provision.		Present Cost.		Estimated Cost of More Suitable Provision.		Increase or Decrease of Future over Present Expenditure.				Remarks as to Basis on which the Cost of making more suitable Provision for Cases in the Areas investigated is estimated.
		In Areas Investigated.	In Whole of Ireland (Estimate)	In Areas Investigated.	In Whole of Ireland (Estimate)	In Areas Investigated.	In Whole of Ireland.	In Areas Investigated.		In Whole of Ireland (Estimate).		
								Increase.	Decrease.	Increase.	Decrease.	
	(1)	(2)	(3)	(4) £	(5) £	(6) £	(7) £	(8) £	(9)	(10) £	(11)	(12)
Group A (Children in Public Elementary Schools)	Public Elementary Schools	1,169	*5,796*	3,346	*16,591*	10,938	*48,444*	7,592	—	*31,853*	—	The cost in ordinary elementary schools in Ireland is about 2*l.* 17*s.* 3*d.* per head per annum. (73rd Report National Education in Ireland, p. 33.) Of the 1,169 needing provision, 888 were insane, idiots, imbecile, or feeble-minded, and their future cost is estimated at 29*l.* per head per annum, the cost at the Stewart Idiot Asylum (Vol. III., p. 335). The remainder of the 1,169 cases, viz. 1,081, are estimated for at 10*l.* per head per annum, the cost at Special Schools in England.
Group B (Children and Adults in Poor Law Institutions)	Workhouses, etc.	1,243	*5,975*	22,135	*111,209*	31,948	*153,557*	9,813	—	*42,348*	—	The inmates of workhouses cost about 18*l.* 12*s.* 3*d.* per head per annum (see footnote p. 460 above). The cost of more suitable provision is estimated as follows: 225 senile dements at 10*s.* per week; 426 uncertified "persons of unsound mind," at 28*l.* 15*s.*, the present asylum cost (56th Report, Inspector of Lunatics, Ireland, p. 33); 173 idiots and imbeciles estimated at 29*l.* per head per annum, the cost at the Stewart Idiot Asylum; 274 feeble-minded and defective children, estimated at 20*l.* per head per annum (Dendy, Vol. I., p. 42, *Q.* 824 and footnote); 145 sane epileptics at 9*s.* per week (see paragraph 703 above).
Group C (Children and Adults in Receipt of Outdoor Relief)	—	34	*163*	122	*587*	929	*4,454*	807	—	*3,867*	—	The cost of outdoor relief divided by the daily average number on outdoor relief works out at 3*l.* 12*s.* per head per annum (35th Report, Local Government Board (Ireland), p. xiii.). The cost of more suitable provision is estimated as follows: 2 senile dements at 10*s.* per week; 11 uncertified "persons of unsound mind," at 28*l.* 15*s.* per annum, the present asylum cost; 13 idiots and imbeciles at 29*l.* per annum; 1 feeble-minded at 20*l.* per annum; 7 sane epileptics at 9*s.* per week.
Group D (Persons known to Sanitary Authorities)	Not provided for at public expense	8	*38*	Nil.	*Nil.*	222	*1,046*	222	—	*1,046*	—	The cost of more suitable provision is estimated as follows: 3 uncertified "persons of unsound mind," at 28*l.* 15*s.*, the present asylum cost; 4 idiots at 29*l.* per annum; 1 feeble-minded at 20*l.* per annum.
Group E (Persons relieved by Medical Charities	Not provided for at public expense	35	*168*	Nil.	*Nil.*	845	*4,057*	845	—	*4,057*	—	The cost of more suitable provision is estimated as follows: 3 senile dements at 10*s.* per week; 6 uncertified "persons of unsound mind," at 28*l.* 15*s.*, the present asylum cost; 3 idiots and imbeciles, at 29*l.* per head per annum, the cost at the Stewart Idiot Asylum; 9 feeble-minded and defective children, at 20*l.* per annum; 14 sane epileptics at 9*s.* per week.

Group F (Persons known to General Practitioners) -	Not provided for at public expense	61	*293*	Nil.	*Nil.*	1,549	*7,442*	1,549	—	*7,442*	—	The cost of more suitable provision is estimated as follows: 10 uncertified "persons of unsound mind," at 28*l.* 15*s.*, the present Asylum cost; 20 idiots and imbeciles, at 29*l.*, the cost at the Stewart Idiot Asylum; 13 feeble-minded and defective children, at 20*l.*; 18 sane epileptics, at 9*s.* per week.
Group G (Children and Adults in various Charitable Institutions and Common Lodging Houses, Training Homes and Reformatory and Industrial Schools	Not provided for at public expense, except as to 14 cases in the areas investigated in Reformatory and Industrial Schools at a cost of about 8/- per week per head	100	*480*	291	*1,393*	2,330	*11,184*	2,039	—	*9,791*	—	The cost of making more suitable provision is estimated as follows: 1 senile dement at 10*s.* per week, 11 uncertified "persons of unsound mind" at 28*l.* 15*s.*, the present Asylum cost; 20 idiots and imbeciles at 29*l.*, the cost at Stewart Idiot Asylum; 60 feeble-minded and defective children at 20*l.*, 8 sane epileptics at 9*s.* per week.
Group H (Other Sources)	Not provided for at public expense	465	*2,228*	Nil.	*Nil.*	11,588	*55,523*	11,588	—	*55,523*	—	The cost of making more suitable provision is estimated as follows: 14 senile dements at 10*s.* per week, 52 uncertified "persons of unsound mind" at 28*l.* 15*s.*, the present Asylum cost; 172 idiots and imbeciles at 29*l.* the cost at the Stewart Idiot Asylum; 168 feeble-minded and defective children at 20*l.*, 59 sane epileptics at 9*s.* per week.
Group I (Known to the Police)	Not provided for at public expense	195	*937*	Nil.	*Nil.*	5,029	*24,174*	5,029	—	*24,174*	—	The cost of making more suitable provision is estimated as follows: 5 senile dements at 10*s* per week, 32 uncertified "persons of unsound mind" at 28*l.* 15*s.*, the present Asylum cost; 80 idiots and imbeciles at 29*l.*, the cost at the Stewart Idiot Asylum, 49 feeble-minded and defective children at 20*l.* per annum; 29 sane epileptics at 9*s.* per week.
Group K (Inmates of Prisons)	Prisons	156	*749*	4,544	*21,814*	3,708	*17,788*	—	836	—	*4,026*	These *qua* prisoners are already chargeable to the State while in prison at 29*l.* 2*s.* 6*d.* per head, per annum (Report of General Prisons Board, Ireland, 1906, p. 68), but it is impossible to say for what periods they would actually be detained. The present cost is estimated in the Table at the cost per head, per annum, but this cannot be relied on as showing the actual cost incurred in practice on these cases.
												The cost of making more suitable provision is estimated as follows: 5 senile dements at 10*s.* per week, 65 uncertified "persons of unsound mind" at 28*l.* 15*s.*, the present Asylum cost; 77 feeble-minded at 20*l.*, 5 defective children at 20*l.*, 4 sane epileptics at 9*s.* per week.
Totals - -	- - - -	3,466	*16,789*	30,438	*151,594*	69,086	*327,669*	39,484	836	*180,101*	*4,026*	
								Net Increase £38,648.		*Net Increase £176 075.*		

* For meaning of "needing provision," *see* paragraph 1103 above.

The moral claim of Ireland to state aid.

1109. The moral claim which Ireland has to Imperial contributions was thus pressed upon us by Sir George O'Farrell :—

O'Farrell, Vol. III., p. 79, c. 1 and 2.

"I submit that Ireland has in this connection a special claim on the Irish Church Surplus, and, if that surplus be now exhausted, then—having regard to the terms of the Irish Church Act, 1869, and the promises given at the time of its passing—provision for the relief of the afflicted classes referred to should be largely made out of Imperial funds. Mr. Gladstone stated that it was written in the Church Bill 'in letters of iron' that the Irish Church Surplus (1st) should be devoted exclusively to Irish purposes; (2nd) that these purposes were the relief of unavoidable calamity and suffering.

"Mr. John Bright, in a historic speech on the second reading of the Bill, expressed this resolution so eloquently that his words deserve recall. He said :—'As to the uses to which these endowments are put. If I were particular on the point as to the sacred nature of the endowments, I should even then be satisfied with the propositions in this Bill—for, after all, I hope it is not far from Christianity to charity; and we know that the Divine Founder of our faith has left much more of the doings of a compassionate and loving heart than He has of dogma. I am not able to give the chapter, or the verse, the page or the column; but what has always struck me most in reading the narrative of the Gospel is how much of kindness and how much of compassion there was, and how much also there was of dealing kindly with all that were sick, with all that were suffering. Do you think it will be a misappropriation of the surplus funds of this great Establishment to apply them to some objects such as those described in the Bill? Do you not think that from the charitable dealing with these matters even a sweeter incense may arise. . . . We can do but little, it is true. We cannot relume the extinguished lamp of reason. We cannot make the deaf to hear. We cannot make the dumb to speak. It is not given to us—

"From the thick film to purge the visual ray
And on the sightless eyeballs pour the day."

But at least we can lessen the load of affliction and we can make life more tolerable to vast numbers who suffer.'

"When the Bill was going through Committee, the actual appropriation of the surplus among specified charities was omitted, but Mr. Gladstone stated that the Government bound themselves 'to the principles on which the available residue would be administered.' This clear declaration of intention ran through the debates, and it is embodied in the 68th Section of the Act, which runs as follows :—'Surplus.—68.—And whereas it is further expedient that the proceeds of the said property should be appropriated mainly to the relief of unavoidable calamity and suffering, yet not so as to cancel or impair the obligations now attached to property under the Acts for the relief of the poor: Be it further enacted, that the said proceeds shall be so applied *accordingly* in the manner Parliament shall hereafter direct.'

"Millions of the Irish Church Surplus have been distributed since the passing of the Act; but, so far, none of the surplus has gone to the relief of lunatics or idiots or the other charities to which it was consecrated; and it is difficult for one who is not a lawyer to trace the connection between 'the relief of unavoidable calamity and suffering,' and the grant, for instance, to the National Teachers' Pension Fund of £1,300,000; to Intermediate Education of £1,000,000; to the Department of Agriculture and Technical Instruction of £70,000 a year for fifteen years; or to the Professorial Endowment of the Royal University of £20,000 a year. It is equally difficult to reconcile the principles on which the Bill was recommended to Parliament with the fact that by Section 40 the amounts previously payable out of the Consolidated Fund, or out of moneys provided by Parliament for the endowment of the Presbyterian Church in Ireland (Regium Donum, etc.), as well as those payable to the College of Maynooth, were compounded for the capital value of the interest which they represented, and such capital value was paid out of the Church surplus in relief of the Imperial taxpayer. I submit that these provisions show the reasonableness of the demand that the Imperial taxpayers who were thus relieved should now provide the money required for the relief of unavoidable calamity."

O'Farrell, Vol. III 22244.

1110. Sir George O'Farrell suggested that the money should be used for building purposes in these words :—

"I may say that this Church SurplusFund, which represented a sum, Mr. Gladstone said, of £311,000 a year, was dedicated to the feeble-minded, among other classes of people in Ireland needing relief, people subject to what was called in the Bill, 'unavoidable calamity and suffering.' It was dedicated in the most solemn way, and we got a most solemn Parliamentary promise that this £7,000,000 or £8,000,000 of money should be given to the struggling charities of Ireland. As a matter of fact the surplus has been devoted to a great many objects since the passing of the Act, but not one shilling has come to any of the bodies which were ear-marked as its most just application. I should think we have a claim for anything remaining of it, that this money should be devoted to building for such classes as the feeble-minded. Then I think also we should get a capitation grant for their maintenance. The ratepayers of Ireland are so poor that they cannot afford to start, or entirely maintain, separate charitable institutions. I think we have reached the limit of our tax-bearing capacity as regards institutions, and that we must get very substantial relief from the State if they are to be provided at all."

1111. As regards the granting of a loan repayable on especially easy terms, we think that the point should be carefully considered with a view to as generous treatment as possible being meted out. If the Report of the Vice-Regal Commission on Poor Law Reform, 1906 [Cd. 3202] be carried out there would probably be a large number of disused workhouses available, but even in this event the cost of the alterations necessarily involved would be considerable, and the need for a grant towards the alterations of buildings and the acquisition of lands, or for the granting of a loan repayable on easy terms, would be none the less pressing. In addition to the institutions which will be absolutely necessary if proper provision is to be made for the mentally defective persons in urgent need of provision, it should be remembered that the provision for a large number of mentally defective children, even outside an institution, will be a new and costly charge. The number left, even after institutional treatment had been provided in those cases where it was absolutely essential, would alone involve considerable additional expense when we remember that the only provision made for them at present is in the ordinary elementary schools.

Possibility of State Loan on easy terms.

1112. The general principles which underlie our Report as to England and Wales are applicable to Ireland, and may be briefly stated :—

General principles of our Report as to England and Wales applicable to Ireland.

(1) *Central Authority.*—That the same central authority which deals with "lunatics" should deal with all classes of mentally defective persons. To carry this out effectually in Ireland it would be necessary to have a strong central authority. Being empowered by our extended reference as to England and Wales we have definitely recommended this there. In the case of Ireland, we are debarred by the limited nature of our original reference from definitely recommending any change in the central supervising authority, *i.e.*, of the Inspectors of Lunatics and Lunatic Asylums. We desire, however, to again call attention to the Recommendations of the Committee on Lunacy Administration in Ireland, 1891 [c. 6434] which are in complete conformity with the principles underlying our Report, and to express our opinion that it would be essential that there should be in Ireland a strong Central Authority dealing with all classes of mentally defective persons. The supervising authority could then see that a plan of settled action was established between the various agencies brought into contact with mentally defective persons, whether, for instance, in prisons, reformatories, workhouses, inebriate homes, schools or voluntary institutions, so that they did not pass from one authority to another, helped or detained a little at each, but permanently cared for at none.

Committee on Lunacy Administration in Ireland, 1891. [C. 6434.]

(2) *Local Authority.*—That the same local authority which is responsible for the provision of accommodation for "lunatics" should also be required by Statute to make suitable and sufficient provision for the accommodation and maintenance, care, treatment, education, training and control of all classes of mentally defective persons, and that one Statutory Committee of the Council should exercise its powers in respect of all mentally defective persons (including those at present called "lunatics").

(3) *Amendment and Extension of Lunacy Law and Procedure.*—That the existing Lunacy Law and Procedure should be amended and adapted so as to enable it to cope with the new conditions.

(4) *System of Care and Control.*—That a system should be created by which the various classes of mentally defective persons can at an early age be brought into touch with some friendly authority, trained and as far as need be supervised during their lives, in co-operation with their relations when that is to their advantage, and, when it is desirable, detained and treated in some measure as wards of the State.

RECOMMENDATIONS AS TO IRELAND.

CHAPTER XLVII.

PREAMBLE.

In so far as we are empowered by our Reference, we recommend, and in so far as we are not so empowered, for reasons stated in our Report, we suggest, as follows :—

It has appeared to the Commissioners desirable that this short preamble should be prefixed to their Recommendations. The following are points which should be borne in mind in reference to the Recommendations as a whole :—

(1) It is not intended that the maintenance at the public expense of the mentally defective or of epileptics not mentally defective should be extended to those who, either at their own cost or at that of their relatives or friends, can be otherwise suitably and sufficiently provided for.

(2) The words "Institution" or "Home" are used, in these Recommendations, in the widest sense to include all establishments in which mentally defective persons are maintained wholly or in part at the expense of the rates or taxes, or at the charges of charitable endowments or voluntary contributions, and not for private profit.

(3) A "House" in these Recommendations means a place in which two or more mentally defective persons are maintained for private profit.

(4) The three methods of oversight, certification, and detention, are recommended as available subject to statutory safeguards, and at the advised discretion of a responsible Committee. According to the different classes, for some oversight will suffice, for others certification, and for others certification with an order for detention. The aim of the scheme is the application of particular methods suitable for the cases of different persons, not the general adoption of any one method exclusively. We have described the methods in our Report as to England and Wales.

See paras. 372, 683–754, and 763 above.

(5) Save as in the following Recommendations otherwise expressly provided, such Recommendations are not intended to apply to persons of unsound mind so found by inquisition.

A—THE CENTRAL AUTHORITY.

(Recommendations I to XVII.)

RECOMMENDATION I.

The single central authority.

That there be one central authority for the general protection and supervision of mentally defective persons and for the regulation of the provision made for their accommodation and maintenance, care, treatment, education, training and control, and that such central authority shall undertake the general supervision and inspection of persons of unsound mind so found by inquisition, and shall see that the orders of the Lord Chancellor regarding the residence, accommodation and maintenance of such persons, are duly carried out.

NOTE.—This includes the supervision and inspection of Chancery mentally defective persons as suggested by the Committee on Lunacy Administraton in Ireland, 1891 (Cd. 6434, p. 49). The Registrar in Lunacy as representing the Lord Chancellor's Jurisdiction would be made an *ex officio* member and Chairman of the Central Authority (*see* Recommendation VI).

RECOMMENDATION II.

Act for the care and control of the mentally defective.

That, consistently with the above Recommendation and in view of the alterations in administration and procedure suggested below, the Lunacy (Ireland) Acts, 1821—1901, be remodelled, and that such of the provisions of these Acts as are consistent with the scheme suggested in these Recommendations, together with such new statutory provisions as may be required for bringing the complete scheme into operation, should be embodied in a new Act for the care and control of the mentally defective.

RECOMMENDATION III.

Changes in nomenclature and definition of "mentally defective."

That the statutory use of the word "lunatic" be discontinued, that the term "Hospital" be substituted for the word "Asylum," and that the term "mentally defective" be defined in the proposed Act for the care and control of the mentally defective as comprising the classes of mentally defective persons set out in Recommendation IV.

RECOMMENDATION IV.

Classes of persons supervised by the central authority.

See para. 563.

That there be placed under the general protection and supervision of the central authority:

(1) "Persons of unsound mind," *i.e.*, **persons who require care and control owing to disorder of the mind and are consequently incapable of managing themselves or their affairs, and are not included in classes (2), (3), (4), (5), (6), (7), (8), and (9), below.**

NOTE.—The term "unsound mind" under this Recommendation might be said to stand as generally equivalent to the word lunatic.

(2) "Persons mentally infirm," *i.e.*, **persons who, through mental infirmity, arising from age or from the decay of their faculties, are incapable of managing themselves or their affairs.**

(3) "Idiots," *i.e.*, **persons so deeply defective in mind from birth or from an early age that they are unable to guard themselves from common physical dangers, such as in the case of young children, would prevent their parents from leaving them alone.**

NOTE.—This definition was suggested in evidence before us by the Royal College of Physicians of London.

(4) "Imbeciles," *i.e.*, **persons who are capable of guarding themselves against common physical dangers, but who are incapable of earning their own living by reason of mental defect existing from birth or from an early age.**

NOTE.—This definition was suggested in evidence before us by the Royal College of Physicians of London.

(5) "Feeble-minded," *i.e.*, **persons who may be capable of earning a living under favourable circumstances, but are incapable from mental defect existing from birth or from an early age (a) of competing on equal terms with their normal fellows; or (b) of managing themselves and their affairs with ordinary prudence.**

NOTE.—This definition is, with slight verbal alterations, in the form suggested in evidence by the Royal College of Physicians of London to us, assuming, as we do, that the "prodigal" and the "facile" are included within the term.

(6) "Moral Imbeciles," *i.e.*, **persons who from an early age display some mental defect coupled with strong vicious or criminal propensities on which punishment has little or no deterrent effect.**

NOTE.—This definition is as recommended by the Royal College of Physicians of London, with the deletion of the words in brackets and the substitution in their place of the words "some mental defect coupled with"; "a person who displays from an early age [*and in spite of careful up-bringing*] strong vicious or criminal propensities on which punishment has little or no deterrent effect."

(7) "Epileptics," *i.e.*, persons who, being epileptics, are also mentally defective.

(8) "Inebriates," *i.e.*, persons who, being inebriates, are also mentally defective.

(9) "Deaf and Dumb" or "Blind," *i.e.*, persons who, being deaf and dumb or blind, are also mentally defective.

RECOMMENDATION V.

Title of the central authority.

That the central authority, which would deal with the whole class of mentally defective persons and the divisions of that class, be called "The Commission for the Care of the Mentally Defective," and that the members thereof be called the Commissioners for the care of the Mentally Defective.

NOTE.—In the case of England and Wales we have recommended that the central authority should be called the "Board of Control," but, owing to the fact that there was at one time in Ireland a body, with certain limited functions only, known by that name, we have thought it desirable that the central authority in Ireland should be designated as the Commission for the Care of the Mentally Defective rather than as the Board of Control.

RECOMMENDATION VI.

Constitution of the central authority.

That there be appointed to the post of Commissioners, according to the demands of the business of the Commission, persons who are specially qualified for that post, subject to these qualifications—(1) That the Registrar in Lunacy shall be an ex-officio member and Chairman of the Commission, and shall be paid such extra remuneration as the Treasury may sanction. (2) that with the exception of the Registrar in Lunacy the ordinary salaried members of the Commission shall be qualified medical men.

RECOMMENDATION VII.

Registration and visitation of cases.

That all cases of mentally defective persons dealt with under these Recommendations be registered at the office of the Commission; that the work of the Commission be so arranged as to allow of the frequent personal visitation of mentally defective persons, and that this visitation consist of not less than two visits a year paid to each such person, unless, in view of the circumstances of particular cases or classes of cases, the Commission determines that in regard to them this frequent visitation is unnecessary.

RECOMMENDATION VIII.

Mentally defective persons (including single patients) in private families and charitable establishments.

That in the case of all persons who are mentally defective or alleged to be mentally defective, including single patients, similar provisions to those of the English Lunacy Act, 1890, Section 206, be applied.

NOTE.—Section 206 of the English Lunacy Act, 1890, is reprinted below :—

206.—(1.) If it comes to the knowledge of the Commissioners that any person appears to be without an order and certificates detained or treated as a lunatic or alleged lunatic by any person receiving no payment for the charge, or in any charitable, religious, or other establishment (not being an institution for lunatics), they may require the person by whom the patient is detained, or the superintendent or principal officer of the establishment, to send to them, within, or at such time or times as the Commissioners may appoint, a report or periodical reports by a medical practitioner of the mental and bodily condition of the patient, with all such other particulars as to him and his property as they think fit.

(2.) Any one or more of the Commissioners may at any time visit any such patient and report the result of the visit to the Commissioners, and may exercise, with respect to such patient, all the powers (except that of discharge) given to them as to persons confined in any institution for lunatics, or as single patients.

(3.) The Commissioners may, if they think fit, transmit any reports received by them, or may report the results of any enquiries made by them under this section, to the Lord Chancellor, who may thereupon make an order for the discharge of the patient from the custody in which he is detained or for his removal to an institution for lunatics, or to such other custody as he may think fit, and the expenses properly incurred of carrying any such order into effect and of maintaining the patient, if so removed, shall if the order so directs, be paid by the guardians of the union in which the patient was found, until the authority legally liable for his maintenance has been ascertained; and such guardians shall have the same right to recover any such expenses paid by them against the lunatic and his estate, and the person or authority legally liable for his maintenance as in the case of orders for maintenance under this Act.

(4.) Where an order is made by the Lord Chancellor under this section for removal of a lunatic to an asylum, any justice of the county or borough in which the asylum is may exercise all the authorities conferred upon a justice by this Act, for the purpose of making the lunatic's property applicable to his maintenance and for maintaining him as a pauper.

(5.) All reports and particulars sent to the Commissioners under this section shall be kept by them, and shall be open to inspection only by the Commissioners and the Lord Chancellor, and by such persons as the Lord Chancellor directs.

RECOMMENDATION IX.

Registration, supervision and inspection of institutions or houses.

That the Commission undertake the registration, supervision and inspection of all institutions or houses, as defined in the Preamble, in which mentally defective persons are maintained, and of all arrangements made for their care, and visit all such institutions or houses at least twice a year.

See para. 1062.

RECOMMENDATION X.

Licensing of institutions or houses for mentally defective persons.

That all institutions or houses, as defined in the Preamble, for the care and maintenance of mentally defective persons be licensed solely by the Commission, and be registered at the office of the Commission, and at the office of the Committee of the County Council or County Borough within the area of which they are chargeable for the payment of rates; and that, in view of the special class or classes of mentally defective persons which are to be maintained in the several institutions, the Commission draw up such regulations as may be necessary in regard to the accommodation to be provided in such institutions, due regard being had to economy in outlay and in administration.

See para. 1062.

RECOMMENDATION XI.

Division of Ireland into districts and appointment of Inspectors.

That, if found necessary, Ireland be divided into districts suitable for purposes of supervision and visitation, and that the Commissioners be assisted by Inspectors, who should be qualified medical practitioners.

NOTE.—The division of Ireland into suitable districts and the number of Inspectors required would be matters upon which the Central Authority should advise.

RECOMMENDATION XII.

Duties of Inspectors.

That the duties of the Inspectors either in such districts as shall be assigned to them by the Commission or generally shall be such as the Commission may direct, but shall extend to all classes of persons under the supervision of the Commissioners. Such parts of their Reports as the Commission shall deem to be of public interest or importance shall be published in the Annual Report of the Commission.

RECOMMENDATION XIII.

Qualifications of Medical Commissioners and Inspectors.

That in any appointment of Medical Commissioners or Inspectors, special consideration be paid to the claims of persons who have expert knowledge in regard to the various classes of mental defect mentioned in Recommendation IV., or respecting institutional and other administration.

RECOMMENDATION XIV.

Qualifications of Honorary Commissioners.

That Honorary Commissioners may be appointed for a term of years, but so that a proportion of the number retire in each year, and that in making such appointments consideration be paid to the claims of persons who combine a general interest in the well-being of the mentally defective with special knowledge in regard to some branch of institutional or administrative work, or who have such other qualifications as are likely to be of special service to the Commission.

RECOMMENDATION XV.

Civil Service rule of retirement to apply.

That the tenure of office for Commissioners and Inspectors be that of ordinary civil servants and that the ordinary Civil Service rule of retirement at the age of 65 shall apply to the salaried members of the Commission, to the Secretary, and to the Inspectors, but that in determining the amount of the pension due consideration be paid to the comparatively short tenure of office which, in individual cases, might result in hardship owing to such retirement being enforced.

RECOMMENDATION XVI.

Visitation by single Member of the Commission.

That all duties respecting the visitation of institutions or houses for the care of the mentally defective, unless in the particular instance the Commission decide otherwise, be undertaken by one Medical Commissioner, or by one other Commissioner assisted by a Medical Commissioner or an Inspector, and that except where the Commissioners otherwise decide, a single member of the Commission be authorised to inquire and report in regard to any scheme advanced or any educational, custodial or other arrangement, proposed by any local authority or public or voluntary agency for the aid, support, or benefit of mentally defective persons.

RECOMMENDATION XVII.

Annual Report of the Commission.

That an Annual Report be issued by the Commission which should include particulars of methods of treatment for mental defect in Ireland and elsewhere, accounts of new results of medical science and progress in regard to the proper care and supervision of the several classes of mentally defective persons, with the necessary statements of expenditure, plans, etc., etc., and that economy in construction and management of Institutions should be a question considered and reported on by the Commission from year to year in their Annual Report.

B.—THE LOCAL AUTHORITIES.

(Recommendations XVIII. to XXXVI.)

(a) CONSTITUTION AND DUTIES.

(Recommendations XVIII. to XXIV.)

RECOMMENDATION XVIII.

See paras. 1054, 1090, 1095–1099.

Local Authority to make provision etc., for mentally defective persons.

That the Council of each County and the Council of each County Borough be the local authority under the proposed Act, and be required by Statute to make suitable and sufficient provision for the care and control of the mentally defective in the County or County Borough.

RECOMMENDATION XIX.

Local authority to act through a Committee.

That the local authority shall exercise the powers proposed to be conferred on them under the proposed Act through a Statutory Committee.

RECOMMENDATION XX.

Name of the Committee and transfer of duties of Committees under Sec. 9 of the Local Government (Ireland) Act, 1898.

That the Statutory Committee be called the Committee for the Care of the Mentally Defective and take over the duties of the Committee of the Council of the County or County Borough, as the case may be, under Section 9 of the Local Government (Ireland) Act, 1898.

RECOMMENDATION XXI.

Co-opted members of the Committee.

That the Committee for the care of the mentally defective be constituted so as to include within it by co-option additional members, of whom one at least if possible shall be a woman, who have special experience or knowledge.

RECOMMENDATION XXII.

Powers of local authority delegated to the Committee.

That all matters relating to the exercise by the Council of their powers (under the proposed Act for the care and control of the mentally defective) except the power of raising a rate or borrowing money shall stand referred to the Committee for the care of the mentally defective, and the Council, before exercising such powers, shall, unless in their opinion the matter is urgent, receive and consider the Report of the Committee for the care of the mentally defective with respect to the matter in question. The Council may also delegate to the Committee, with or without restrictions or conditions, as they think fit, any of their powers (under such an Act) except the power of raising a rate or borrowing money.

RECOMMENDATION XXIII.

Duty of Committee to receive requests as to provision and to report to Commission in case of refusal of requests.

That it shall be the duty of the Committee for the Care of the Mentally Defective to receive from parents and others in charge of mentally defective persons requests for the provision of care and control of those mentally defective persons, and on the receipt of such requests it shall be the duty of the Committee, after making any necessary enquiries as to the requirements of the mentally defective persons referred to, to arrange for the admission of those mentally defective persons into suitable institutions or houses or into suitable private care, and in the event of the Committee failing to provide such care for any such case it shall be a duty of the Committee to report the fact that they have not acted on such request and the reasons for not so acting, to the Commission.

RECOMMENDATION XXIV.

Discretion of Committee as to method of dealing with individual case.

That, subject to the Regulations of the Commission, it shall be at the discretion of the Committee, on the report of their Medical Officer, to deal with mentally defective persons on whose behalf they deem that intervention on their part is necessary as they shall think best in the individual case, either registering the case only, or having it certified also, or taking steps for its certification and detention, or placing it in an Institution or Home or House or under private care or family guardianship, or leaving it to the care of its parents or guardians, with or without the appointment of a friendly visitor, or taking any other measures that seem to them desirable.

(b) MEDICAL OFFICERS AND CERTIFYING MEDICAL PRACTITIONERS.

(Recommendations XXV. to XXVI.)

RECOMMENDATION XXV.

Medical officer to be appointed by the local authority.

That on the recommendation of the Committee, and subject to the approval of the Commission, the Council of the County or County Borough appoint a specially qualified medical officer or officers to assist them in the care and control of the mentally defective in the county or county borough, on the understanding that the internal management of institutions should remain in the hands of the Superintendents in charge of them, subject to the supervision and authority of the Committee.

RECOMMENDATION XXVI.

Appointment of certifying medical practitioners.

That in order that there may be a certifying medical practitioner at hand in different parts of the County or County Borough, the Committee divide the area of the County or County Borough into such districts as they may deem suitable, and that the Council of the County or County Borough, on the recommendation of the Committee and subject to the approval of the Commission, appoint in each of these districts the local dispensary doctor or one or more duly qualified medical men to act on behalf of the Committee as a certifying medical practitioner; and that such certifying medical practitioner be paid by the Council by fee for each case examined by him, and his services shall be "a public duty" so as to secure for him the benefit of the Public Authorities Protection Act, 1893. The Commission shall make Rules to be observed in respect of the appointment, and, amongst others, as to the medical qualification, and as to disqualifications from partnership or relationship or personal interest, and as to acting outside a district, and altering districts, and for the appointment of deputies.

(c) JOINT COMMITTEES.

(Recommendation XXVII.)

RECOMMENDATION XXVII.

Joint committees of local authorities.

That with a view to promoting a common policy in the treatment and care of mentally defective persons and for the supply of sufficient and suitable accommodation at the least expense, it is desirable that advantage should be taken of Section 9 (7) to (9), of the Local Government (Ireland) Act, 1898.

(c) FINANCIAL ARRANGEMENTS.

(Recommendations XXVIII. to XXXV.)

RECOMMENDATION XXVIII.

Discontinuance of 4s. grant.

That the 4s. grant (Local Government (Ireland) Act, 1898, 61 and 62 Vict., Chap. 37, Section 58 (2) (c)) **now payable to the Councils of Administrative Counties and County Boroughs towards the cost of certified lunatics admitted to**

asylums, and the 2s. grant now payable to the Councils in respect of chronic and harmless lunatics in auxiliary asylums (Local Government (Ireland) Act, 1898, 61 and 62 Vict., Chap. 37, Section 76 (1)) **be discontinued.**

That the total cost of the maintenance, care and treatment, education, training and control of mentally defective persons and of the provision of suitable accommodation for them shall be borne by the County and Borough Councils aided by new grants from the Exchequer.

RECOMMENDATION XXIX.

Exchequer grant payable to local authorities.

A.—That substantial financial assistance be granted from the Exchequer to a Council of the County or County Borough for the care and maintenance of mentally defective persons, and of epileptics not mentally defective, and that this assistance be granted by one or other of the following methods, either:— *See* paras. 1104-1112.

(i.) On the method of an annual bloc grant on the principle that the grant be greater or less according to the proportion of the local expenditure to an approved standard of proper and economical expenditure and also greater or less as the assessable value per head of the population of the district is smaller or larger;

or;

(ii) That in addition to the present Exchequer contributions there be paid by the Exchequer to the Councils of Counties and County Boroughs annually a grant based on the number of mentally defective persons, and epileptics not mentally defective, for whom provision is made beyond the numbers provided for on the 1st of January, 1908, and that such grant be the sum which the Commission certify to be equal to one-half of the cost properly incurred by such Councils in respect of such additional numbers of mentally defective persons.

B.—That this bloc grant or this maintenance grant be payable subject to the certificate of the Commission that the local authority has carried out its duties under Recommendation XVIII. satisfactorily, and that in the event of the Commission refusing to give such a certificate an appeal shall lie to the Lord Lieutenant, whose decision shall be final.

See para. 1080.

C.—That in addition to the above grant, whether it is a bloc grant or a maintenance grant, there be provided from the Exchequer annually for a term of years a grant in aid for the provision of necessary accommodation in the manner and in the locality advised by the Commission.

RECOMMENDATION XXX.

Use of grant by local authority, and power to contract with others to supply accommodation.

That, subject to the approval of the Commission, the Council of the County or County Borough, acting through the Committee for the care of the mentally defective, shall be authorised to use whatever grants may be made to them by the Exchequer, in any way they may think best for the well-being of the mentally defective, and epileptics not mentally defective, and may contract with any Poor Law or other public authority, public or voluntary agency, or private person, under such conditions as they may deem advisable, for the care, education, training, or maintenance of any mentally defective persons or of epileptics not mentally defective. *See* paras. 1052, 1054, 1083, 1090.

RECOMMENDATION XXXI.

Architectural assistance for Commission.

That the Commission be provided with such architectural advice and other technical assistance as may be necessary for the efficient execution of the provisions of Recommendation XXXII. 2.

RECOMMENDATION XXXII.

Plans for buildings, and estimates.

1. That a local authority proposing to establish, alter, restore, or enlarge buildings, or to purchase or lease any estate or house for the accommodation of mentally defective persons shall send to the Commission all plans, specifications, and estimates, or other particulars which may be considered necessary.

2. That the Commission, with such assistance as they may consider necessary (see Recommendation XXXI), shall consider if these plans, specifications, estimates, etc., are such as may be approved by the Lord Lieutenant, and involve no unreasonable expenditure.

3. When the Commission have satisfied themselves that the plans, &c., are suitable for the purpose intended, they shall transmit them to the Local Government Board for report as to whether, subject to public enquiry, they are prepared to sanction the loan required. On receipt of an intimation that the Local Government Board are prepared to recommend a loan the Commission shall submit for the approval of the Lord Lieutenant the plans, &c., and when such approval is signified shall notify the local authority, who shall then make application to the proper authority for the loan.

Recommendation II.

4. That it be laid down clearly in the Act that plans, &c., shall not be approved which involve unreasonable expenditure.

5. The Lord Lieutenant, on the report of the Commission, shall have power to prohibit the use of any parts of buildings for purposes other than those which were approved by him, or which shall be deemed insanitary or unsuitable.

RECOMMENDATION XXXIII.

Public local enquiries by Commission.

That the Commission have power to hold a public local enquiry in regard to any plan, scheme, or proposal which has been submitted to them for the care of mentally defective persons.

RECOMMENDATION XXXIV.

Settlement by counties.

That in view of the following consideration that under Recommendations XVIII. to XXIV. the obligation of dealing with mentally defective persons is imposed on the Committee of the Council of the County or of the

County Borough, as the case may be, it is desirable that a system of settlement based on residence by Counties and County Boroughs be introduced for the purpose of the administration now proposed.

RECOMMENDATION XXXV.

Time of residence in any institution for the mentally defective not to count for acquisition of settlement.

That residence in any institution, house, hospital, establishment or home licensed for the accommodation, maintenance, care, treatment, education, training or control of any of the classes of mentally defective shall not count as part of the period of residence necessary to the acquisition of settlement.

(d) ANNUAL REPORT.

(Recommendation XXXVI.)

RECOMMENDATION XXXVI.

Annual Report.

That the Committees for the Care of the Mentally Defective shall publish each year an annual report which shall be forwarded to the Commission, and the Commission shall publish such of these reports or such extracts from these reports as they may deem to be of public interest or importance, and in such a form as they may deem advisable; the Commission shall require, and the Committees shall furnish, such statistical and other information as may be required by the Commission or may be considered necessary in order to show the nature and extent of the work of the local authorities.

C.—GUARDIANSHIP AND SUPERVISION.

(Recommendations XXXVII. to XLII.)

(a) PERSONS UNDER 21.

(Recommendations XXXVII. to XL.)

RECOMMENDATION XXXVII.

Cases under 21 not under suitable parental or other control.

That in the case of persons under 21 years of age for whose care and control any Council is required to make suitable and sufficient provision who, in the opinion of the Committee, are not under suitable parental or other control, and are not receiving suitable training, or are cruelly treated or otherwise neglected, and who in the opinion of the responsible Medical Officer of the Committee come within any of the classes (3) to (9) inclusive of Recommendation IV., the Committee may resolve that until the child reaches the age of 21 all the rights and powers of the parent or parents or other person who is the guardian of the child or is liable to maintain the child or has the custody of the child, shall vest in the Committee until the child reaches the age of 21, and thereupon those rights and powers shall so vest. Provided (1) that the Committee may rescind the resolution if they think that it will be

for the benefit of the child that it should be rescinded, or may permit the child to be either permanently or temporarily under the control of the parent or of any relative or of any friend or of any society or institution for the care of children; (2) that a Court of Summary Jurisdiction, if satisfied on complaint made by a parent, or if there is no parent, by the legal—or, if there be no legal, then by the acting—guardian or the near relation of the child, that there was no ground for the resolution, or that it is for the benefit of the child that it should be permanently or temporarily under the control of its parent or guardian, or that the resolution of the Committee should be determined, may make an order accordingly, and the Committee shall comply with any such order; if the order determines the resolution, the resolution shall be thereby determined as from the date of the order, and the Committee shall cease to have the rights and powers of the parent as respects the child; (3) that an appeal from the Court of Summary Jurisdiction to the Quarter Sessions be allowed.

RECOMMENDATION XXXVIII.

That in all cases of mentally defective persons who are under the wardship of the Committee under Recommendation XXXVII., the Committee shall report to the Commission as to their condition when they reach the age of 21, and the Commission shall decide what further steps should be taken in view of the continuance of such persons under care and control.

Cases under wardship of Committee to be reported on at age of 21.

RECOMMENDATION XXXIX.

That in the case of persons under 21 years of age who, in the opinion of the Committee, are under suitable parental or other control, and are receiving suitable training, or are not cruelly treated or otherwise neglected, but in the judgment of the responsible Medical Officer of the Committee come within any of the classes (3) to (9), inclusive, of Recommendation IV., the Committee endeavour to make a voluntary agreement with the parent or guardian for the appointment of a Friendly Visitor who, with the Committee, shall be consulted as to any proposed removal of the person from his or her present residence or any change in regard to his or her education and training or any question of marriage, and generally in regard to any matter that may affect the well-being of the person at the time or in the future, so that the parent or guardian may have the benefit of the advice and co-operation of the Committee and of the Friendly Visitor.

Cases under 21 under suitable parental or other control.

RECOMMENDATION XL.

That any person under 21 years of age who comes within any of the classes (3) to (9), inclusive, of Recommendation IV. may be placed by the parents or guardians or by any person undertaking and performing towards him the duty of a parent or guardian, or by the Committee, in any registered institution, or house for the mentally defective, upon the certificate in writing of a qualified medical practitioner, without the intervention of a Judicial Authority, as defined in Recommendation LVI. (sec. 6, i.), and on reaching the age of 21 may, with the consent of the Commission, be retained after he is of full age.

Mentally defective persons under 21 may be placed by parents in institutions on one medical certificate.

(b) PERSONS AFTER 21.

(Recommendations XLI. to XLII.)

RECOMMENDATION XLI.

Petition may be presented by the Committee as next friend in certain cases over 21.

That in the case of persons over 21 years of age for whose care and control any Council is required to make suitable and sufficient provision, who have not been under the wardship of the Committee or dealt with under Recommendation XL. above, and are alleged to be mentally defective as defined in Recommendation IV., the Committee shall deal with the case as they think fit with a view to the proper care, control, and safeguard of the mentally defective person, and may, if they deem it right by one of their officers, make an Urgency Order, present a petition as next friend of the said person, or apply for a Summary Reception Order, under Recommendation LVI. below.

RECOMMENDATION XLII.

Power to allow relation or friend to retain mentally defective person.

That if in the opinion of the Committee and of their Medical Officer it is desirable that any person over 21 years of age who is mentally defective as defined in Recommendation IV., and who might otherwise be taken charge of by the Committee, should be retained under the care of a relation or friend, nothing in the proposed Act shall prevent this.

D.—PROCEDURE IN REGARD TO MENTALLY DEFECTIVE PERSONS.

(Recommendations XLIII to LVII.)

(a) INQUIRY AS TO THE NUMBERS OF DEFECTIVE PERSONS AND NOTIFICATION.

(Recommendations XLIII. to XLIX.)

RECOMMENDATION XLIII.

Inquiry as to number of mentally defective persons.

That, with a view to facilitate the work of the Committee in the first instance, it shall be its duty in pursuance of regulations to be laid down by the Commission to ascertain as far as possible the number of mentally defective persons for whom the Council is liable to provide either by the Medical Officer of the Committee or by a well qualified medical man appointed for the purpose, acting under the supervision of the Medical Officer.

RECOMMENDATION XLIV.

Notification of mentally defective persons.

That it be the statutory duty of the Medical Officers of the Education Authorities, of the Guardians of the Poor, and of the Public Health Committees, the Relieving Officers of Board of Guardians, the Medical Officers of Convict and Local Prisons, and Medical Officers of Dispensary Districts, the Police, and the Managers of Reformatory and Industrial Schools, or of any Homes for Inebriates or any Charitable, Religious or other Voluntary Institutions or Societies, or any Naval or Military Authorities to notify to the Committee all cases of mental defect coming to their knowledge in the course of duty appearing to

come within Recommendation IV. above, provided always that the Lord Lieutenant may, on special grounds to be stated in the Annual Report of the Commission, by regulation exempt any particular authorities from the fulfilment of this duty.

RECOMMENDATION XLV.

That anyone who for profit shall receive to reside as a patient or maintain any person appearing to come within any of the classes of mentally defective persons defined in Recommendation IV. shall within seven days thereafter notify the same to the Commission.

Notification of mentally defective patients received for profit.

RECOMMENDATION XLVI.

That it shall be the duty of Medical Officers who are in charge of Institutions for persons of unsound mind, Receiving Houses, and Reception Wards, to report to the Committee for special consideration the cases of persons who are repeatedly certified and admitted and repeatedly discharged, or who are in such a mental condition as would be likely to occasion their relapse under the stress of life, with a view to care and control being exercised in regard to them, if desirable, in some other and more effectual manner; and in cases of doubt whether the patient should or should not be discharged there may be an appeal to the Commission on the question, and the decision of the Commission shall be final.

Report as to recurrent cases of unsound mind.

NOTE.—As to Receiving Houses and Reception Wards, see Recommendation LII.–LV.

(b) ADMISSION, CONTINUANCE ORDERS, TRANSFERS AND DISCHARGES.

(Recommendations XLVII. to LII.)

RECOMMENDATION XLVII.

That as a condition of its licence every institution or house for the care of the mentally defective shall through its Committee of Management appoint an honorary or paid Medical Officer who shall give such attendance as may be directed by the Commission.

Medical Officer, honorary or paid, for every institution

RECOMMENDATION XLVIII.

(1) That at least once in every year there be a revision by the Committee of all cases of mentally defective persons who are being dealt with by them, and that any changes made be reported to the Commission; and that the certificate of the medical officer of the institution shall, under regulations to be made by the Commission, and subject to the approval of the Committee and the Commission, suffice for the continuance of residence of the mentally defective person in the institution.

Annual revision of mentally defective cases in institutions.

RECOMMENDATION XLIX.

That in the case of mentally defective persons dealt with by the Committee no transfer, except as mentioned in the proviso below, shall take place from one institution or home to another, or from an institution or home to private care or *vice versa* without the authority of the Committee and subject to their approval as to the selection of the institution or private care to which the mentally defective person is to be transferred.

Transfer from one institution to another or to private care and *vice versa* only to take effect with consent of Committee.

and the Commission shall make such regulations as may appear to them necessary in relation to the several classes of cases for reports of transfers being made to them, and for the granting or withholding of their consent, provided always that the Commission may order the transfer of any particular case where it appears to the Commission that such transfer is desirable.

RECOMMENDATION L.

Discharge of persons from institutions.

That in the case of discharges of mentally defective persons from institutions into which persons coming under classes (2) to (9), inclusive, have been admitted, the discharge may, if the Committee think fit, be ordered by the Committee on the certificate of the Medical Officer of the institution; and, if the Medical Officer of the institution be of a contrary opinion to that of the Committee in regard to the discharge, there shall be an appeal to the Commission, whose decision shall be final. The Regulations of the Commission to be made under Recommendation XLIX shall embody directions as to the principles on which discharges shall be ordered.

RECOMMENDATION LI.

Notification to the Committee and Commission of all admissions, transfers, etc.

That under regulations to be made by the Commission all admissions, transfers, continuance orders, discharges and deaths be at once reported to the Commission and to the Committee for the care of the mentally defective.

(c) RECEIVING HOUSES OR RECEPTION WARDS.

(Recommendations LII. to LV.)

RECOMMENDATION LII.

Receiving Houses or Reception Wards to be established.

That for the reception and observation and temporary treatment of cases of mental defect the Committee, under regulations to be made by the Commission, shall provide or contract with others to provide such Receiving Houses or Reception Wards in various parts of their area as may be necessary; and that such Receiving Houses or Reception Wards be exclusively used for that purpose and be licensed by the Commission and placed under the management of the Committee; and that they be available not only for poor persons but also, on payment, for persons who might be fully and sufficiently provided for otherwise at their own charges or at the charges of their relations or friends.

RECOMMENDATION LIII.

Statutory obligation on certain public authorities to provide accommodation for Receiving Houses or Wards on request of the Council of the County or County Borough.

That there be a statutory obligation imposed on public authorities within the area of the County or County Borough, such as Boards of Guardians and District and Borough Councils, on the request of the Council of the County or County Borough, to provide the necessary accommodation for Receiving Houses or Wards on such terms as may be arranged between them; and that in case of a difference of opinion between the Council of the County or County Borough and the other authority in respect of the necessity for such provision, or of the expediency of using any existing building for such purpose, there shall be an appeal to the Lord Lieutenant, provided that in the case of any building provided, or to be provided under the authority of the Local Government

Board, it shall be the duty of the Local Government Board, after inquiry, to determine if the building should be provided or used for the proposed purpose, and, if so, upon what terms; and the decision of the Board shall be final.

RECOMMENDATION LIV.

Cases in Receiving Houses, etc., to be seen by Medical Officer representing the Committee.

That in the case of all mentally defective persons taken to a Receiving House or Reception Ward it shall be necessary for the Medical Officer or one of the Medical Officers of the Committee, or a certifying medical practitioner, to attend at the Receiving House or Reception Ward, and act as one of the certifying medical officers.

RECOMMENDATION LV.

Applications for admission of mentally defective persons to Receiving House.

That under any immediate certificate or order that the Commission under its regulations may require, any person alleged to be mentally defective, as defined in Recommendation IV., may be at once admitted to a Receiving House or Reception Ward on application made either by the person himself or on his behalf, subject to the approval and order of the Medical Officer in charge, and (except in cases of payment under Recommendation LII.) all necessary expenditure for the maintenance of such persons shall be borne by the Committee. And further, that the Medical Officer in charge of the Receiving House or Reception Ward shall at once on the admission of such person report the fact to the Medical Officer of the Committee with a view to such sufficient action being taken on their part, as, in their opinion, the case may require.

(d) MODIFICATIONS OF THE LUNACY (IRELAND) ACTS, (1821-1901), AND STATUTORY REGULATIONS THEREUNDER.

(Recommendation LVI.)

RECOMMENDATION LVI.

See para. 1065.

That the procedure for authorising the admission of persons into Institutions or Houses and their detention therein be as follows:—

RECEPTION OF LUNATICS.

Reception Orders on Petition.

Private patients not found persons of unsound mind by inquisition to be received only under order of judicial authority.

1.—(1.) Subject to the exceptions in this Act mentioned, a person, not being a person of unsound mind so found by inquisition, shall not be received and detained as a mentally defective person in an institution or house for mentally defective persons or as a single patient, unless under a reception order made by the judicial authority hereinafter mentioned. A relative of the person applying for an order under this section or of the mentally defective person, or of the husband or wife of the mentally defective person, shall not be capable of making such order.

(2.) The order shall be obtained upon a private application by petition accompanied by a statement of particulars and by two medical certificates on separate sheets of paper.

Petition for reception order.

2.—(1.) The petition shall be presented, if possible, by the husband or wife or by a relative of the alleged mentally defective person. If not so presented it shall contain a statement of the reasons why the petition is not so presented and of the connexion of the petitioner with the alleged mentally defective person, and the circumstances under which he presents the petition.

(2.) No person shall present a petition unless he is at least twenty-one years of age and has within fourteen days before the presentation of the petition personally seen the alleged mentally defective person.

(3.) The petition shall be signed by the petitioner and the statement of particulars by the person making the statement.

(4.) Notwithstanding anything contained in this section the Committee of any Council of a County or County Borough for the care of the mentally defective, may authorise its Medical Officer or one of its Medical Officers to present a petition as next friend of the alleged mentally defective person in any case where the Committee deems it advisable so to do, either at the request of the relatives or in consequence of any failure for any reason on the part of any

husband, wife, or other relative of the alleged mentally defective person so to present a petition, and where the Committee is advised by its Medical Officer or one of its Medical Officers that such petition ought to be presented.

Procedure upon petition for a reception order.

3.—(1.) Upon the presentation of the petition the judicial authority shall consider the allegations in the petition and statement of particulars and the evidence of mental defect appearing by the medical certificates, and whether it is necessary for him personally to see and examine the alleged mentally defective person, and if he is satisfied that an order may properly be made forthwith, he may make the same accordingly; either directing the admission of the mentally defective person to a particular institution or house which the petitioner, his relative, or friend may desire, or failing that which, in his opinion, on the evidence submitted to him or his personal knowledge, is suitable for the admission of the said person, or directing the admission of the mentally defective person to an institution or house suitable for his proper care and control, as may be decided by the Committee for the care of the Mentally Defective, or if not so satisfied he shall appoint as early a time as practicable, not being more than seven days after the presentation of the petition, for the consideration thereof; and he may make such further or other enquiries of or concerning the alleged mentally defective person as he may think fit. Notice of the time and place appointed for the consideration of the petition (unless personally given to the petitioner) shall be sent to the petitioner by post in a prepaid registered letter addressed to him at his address as given in the petition.

(2.) The judicial authority, if not satisfied with the evidence of mental defect appearing by the medical certificates, may, if he thinks it necessary so to do, visit the alleged mentally defective person at the place where he may happen to be. And the order shall contain a statement that the patient has or has not been personally examined by such judicial authority.

(3.) The petition shall be considered in private, and no one except the petitioner, the alleged mentally defective person (unless the judicial authority shall in his discretion otherwise order), any one person appointed by the alleged mentally defective person for that purpose, and the persons signing the medical certificates accompanying the petition, shall, without the leave of the judicial authority, be present at the consideration thereof.

(4.) At the time appointed for consideration of the petition the judicial authority may make an order thereon or dismiss the same, or, if he thinks fit, may adjourn the same for any period not exceeding fourteen days for further evidence or information, and he may give notice to such persons as he thinks fit of the adjourned consideration, and summon any persons to attend before him.

(5.) Every judicial authority and all persons admitted to be present at the consideration of any petition for a reception order, or otherwise having official cognisance of the fact that a petition has been presented, except the alleged mentally defective person and the person appointed by the alleged mentally defective person as aforesaid, shall be bound to keep secret all matters and documents which may come to his or their knowledge by reason thereof, except when required to divulge the same by lawful authority.

Dismissal of petition.

4.—(1.) If the petition is dismissed, the judicial authority shall deliver to the petitioner a statement in writing under his hand of his reasons for dismissing the same, and shall send a copy of such statement to the Commission and shall also, where the alleged mentally defective person is detained under an urgency order, send notice by post or otherwise, to the person in whose charge the alleged mentally defective person is, that the petition has been dismissed.

(2.) Any judicial authority making or refusing a reception order, shall, if so required by the Commission, give to them all such information as they may require as to the circumstances under which the order was made or refused.

(3.) The Commission may communicate such information as they think proper, on the dismissal of the petition or the release of the alleged mentally defective person, to him or to any person who may satisfy them that he is a proper person to receive the information.

(4.) If after a petition has been dismissed another petition is presented as to the same alleged mentally defective person, the person presenting such other petition, so far as he has any knowledge or information with regard to the previous petition and its dismissal shall state the facts relating thereto in his petition, and shall obtain from the Commission at his own expense, and present with his petition, a copy of the statement sent to them of the reasons for dismissing the previous petition, and, if he wilfully omits to comply with this sub-section, he shall be guilty of a misdemeanour.

Right of mentally defective person to be examined by judicial authority.

5.—(1.) When a mentally defective person has been received as a private patient under an order of a judicial authority, without a statement in the order that the patient has been personally seen by such judicial authority, the patient shall have the right to be taken before or visited by a judicial authority, other than the judicial authority who make the order, unless the medical officer of the institution or house, or, in the case of a single patient his medical attendant, within twenty-four hours after reception, in a certificate signed and sent to the Commission, states that the exercise of such right would be prejudicial to the patient.

(2.) Where no such certificate has been signed and sent, the manager of the institution or house in which the patient is, or the person having charge of him as a single patient, shall, within twenty-four hours after reception, give to the patient a notice in writing of his right under this section, and shall ascertain whether he desires to exercise the right; and if he, within seven days after his reception, expresses his desire to exercise the right, such manager or person shall procure him to sign a notice of such desire, and shall forthwith transmit it by post in a prepaid registered letter to the judicial authority, who is to exercise the jurisdiction under this section, or to the justices clerk of the petty sessional division or borough, where the mentally defective person is, to be by him transmitted to such judicial authority, and the judicial authority shall thereupon arrange, as soon as conveniently may be, either to visit the patient or to have the patient brought before him by the manager or person as the judicial authority may think fit.

(3.) The judicial authority shall be entitled, if he desires so to do, to see the medical certificates and any other documents, upon the consideration of which the reception order was made, and shall after personally seeing the patient send to the Commission a report, and the Commission shall take such steps as may be necessary to give effect to the report.

(4.) For the purposes of this section the jurisdiction shall be exercised by any judicial authority having authority to act in the place where the person received is, and not being the judicial authority who made the reception order: and arrangements shall for that purpose from time to time be made amongst themselves by the persons having such authority as aforesaid.

(5.) If any manager of an institution or house for mentally defective persons, or any person having charge of a single patient, omits to perform any duty imposed upon him by this section, he shall be guilty of a misdemeanour.

Judicial authority defined.

6.—(1.) The powers of the judicial authority under this Act shall be exercised by a justice of the peace specially appointed as hereinafter provided, or a judge of county courts, or resident magistrate.

(2.) Every judicial authority shall, in the exercise of the jurisdiction conferred by this Act, have the same jurisdiction and power as regards the summoning and examination of witnesses, the administration of oaths, and otherwise, as if he were acting in the exercise of his ordinary jurisdiction, and shall be assisted, if he so requires, by the same officers as if he were so acting, and their assistance under this Act shall be considered in fixing their remuneration.

(3.) A judge of county courts and a resident magistrate shall not be required to exercise any powers under this Act so as to interfere with or delay the exercise of his ordinary jurisdiction.

Appointment of justices to make reception orders.

7.—(1.) The justices of every county and quarter sessions borough, shall annually appoint out of their own body as many fit and proper persons as they may deem necessary to exercise the powers conferred by this Act upon the judicial authority. In making such appointments the justices of every county shall have regard to the convenience of the inhabitants of each petty sessional division thereof.

(2.) The annual appointments under this section shall be made by justices of a county at their Michaelmas quarter sessions, and by justices of a borough at special sessions to be held in the month of October.

(3.) If in any year such appointments are not made, it shall be lawful for the Lord Chancellor, by writing under his hand, to make the same; and if, on any representation made to him that the number of justices so appointed for any county or borough is at any time insufficient, the Lord Chancellor is satisfied that such representation is well founded, he shall have power to appoint, by writing under his hand, any other justices of such county or borough to act, until the next Michaelmas quarter or special sessions, with the justices so appointed.

(4.) If in the case of a borough or place not having a separate quarter sessions, representation is made to the Lord Chancellor that public inconvenience is likely to result, unless power is given to the justices of such borough or place to exercise the powers conferred by this Act upon the judicial authority, it shall be lawful for the Lord Chancellor, from time to time, with or without a fresh representation, to appoint, by writing under his hand, one or more of the justices of such borough or place to exercise during such time as the Lord Chancellor thinks fit the powers aforesaid, together with any other specially appointed justices acting therein.

(5.) In the case of the death, absence, inability, or refusal to act of any justice appointed under this section the justices of the county or borough, or the Lord Chancellor, as the case may be, may appoint a justice to act in his place. Such appointment may be made by justices of a county at any quarter sessions, and by justices of a borough at special sessions to be held at the same time as any quarter sessions.

(6.) All appointments of justices under this section shall be recorded by the clerk of the peace of the county or borough, or in the case of a borough or place not having a separate quarter sessions, by the clerk of petty sessions, and it shall be the duty of every such clerk to publish the names of the justices so appointed in each petty sessional division of the county and otherwise for the information of all persons interested. In the case of quarter sessions boroughs, the clerk of petty sessions making the appointment shall forthwith notify the same to the clerk of the peace of the borough.

URGENCY ORDERS.

Urgency orders.

8. (1.) In cases of urgency where it is expedient, either for the welfare of a person alleged to be a mentally defective person, or for the public safety, that the alleged mentally defective person, should be forthwith placed under care and treatment, he may be received and detained in an institution or house for mentally defective persons, or in a receiving house or reception ward, or as a single patient upon an urgency order, made (if possible) by the husband or wife or by a relative of the alleged mentally defective person, accompanied by one medical certificate.

(2) An urgency order may be signed before or after the medical certificate.

(3) If an urgency order is not signed by the husband or wife or by a relative of the alleged mentally defective person, the order shall contain a statement of the reasons why the same is not so signed and of the connection with the alleged mentally defective person, of the person signing the order, and the circumstances under which he signs the same.

(4.) No person shall sign an urgency order unless he is at least twenty-one years of age and has within two days before the date of the order personally seen the alleged mentally defective person.

(5.) An urgency order may be made as well after as before a petition for a reception order has been presented. An urgency order, if made before a petition has been presented, shall be referred to in the petition, and if made after the petition has been presented, a copy thereof shall forthwith be sent by the petitioner to the judicial authority to whom the petition has been presented.

(6.) An urgency order shall remain in force for seven days from its date; or if a petition for a reception order is pending, then until the petition is finally disposed of.

(7.) An urgency order shall have subjoined or annexed thereto a statement of particulars.

(8) Notwithstanding anything contained in this section the Committee of any Council of a County or County Borough for the care of the mentally defective may authorise its medical officer or one of its medical officers to make an urgency order as next friend of the alleged mentally defective person in any case where it deems it advisable so to do, either at the request of the relatives, or in consequence of any failure on the part of any husband, wife or other relative of the alleged mentally defective person so to make an urgency order and when the Committee is advised by its medical officer or one of its medical officers that such urgency order ought to be made.

SUMMARY RECEPTION ORDERS.

Mentally defective persons not under proper care and control or cruelly treated or neglected.

9.—(1.) Every constable, relieving officer or medical officer of a union, or representative of the Committee of any Council of a County or County Borough for the care of the mentally defective, who has knowledge that any person within the district or parish of the constable, relieving officer, medical officer of a union or the Committee, who is not wandering at large, is deemed to be a mentally defective person and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, shall within three days after obtaining such knowledge give information thereof upon oath to a justice being a judicial authority, under this Act.

(2.) Any such justice, upon information on oath of any person whomsoever, that a person not wandering at large, is deemed to be a mentally defective person and is not under proper care and control, or is cruelly treated or neglected as aforesaid, may himself visit the alleged mentally defective person, and shall, whether making such visit or not, direct and authorise the Medical Officer, or one of the Medical Officers of the Committee of the Council of the County or County Borough for the care of the mentally defective, or a certifying medical practitioner, to visit and examine the alleged mentally defective person, and to certify his opinion as to his mental state, and the justice shall proceed in the same manner so far as possible, and have as to the alleged mentally defective person the same powers, as if a petition for a reception order had been presented by the person by whom the information with regard to the alleged mentally defective person has been sworn.

(3.) If upon the certificate of the medical practitioner who examines the alleged mentally defective person, or after such other and further inquiry as the justice thinks necessary, he is satisfied that the alleged mentally defective person is a mentally defective person, and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him and that he is a proper person to be taken charge of and detained under care and treatment, the justice may, by order, direct the mentally defective person to be received and detained in any Institution, or Receiving House, or Reception Ward, home, or house for mentally defective persons for not more than fourteen days, and the constable, or relieving officer, medical officer of a Union, or representative of the Committee, upon whose information the order has been made, or any constable whom the justice may require so to do, shall forthwith convey the mentally defective person to the Institution, home, or house or Receiving House or Ward named in the order, and the Medical Officer of the Committee of the County or County Borough for the care of the mentally defective shall, within the said fourteen days, ascertain to what Institution or house the mentally defective person may most suitably be admitted and shall, with the approval of the Committee, have him admitted to that Institution or house.

Mentally defective person wandering at large to be brought before a justice.

10.—(1). Every constable and relieving officer who has knowledge that any person wandering at large within the district or parish of the constable or relieving officer is deemed to be a mentally defective person, shall immediately apprehend and take the alleged mentally defective person, or cause him to be apprehended and taken before a justice.

(2.) Any justice, upon the information upon oath of any person that a person wandering at large within the limits of his jurisdiction is deemed to be a mentally defective person may by order require a constable, relieving officer of the district or parish where the alleged mentally defective person is, to apprehend him, and bring him before the justice making the order, or any justice having jurisdiction where the alleged mentally defective person is.

Mentally defective person wandering at large brought before a justice may be sent to receiving house, institution or house for mentally defective persons.

11. The justice before whom an alleged mentally defective person wandering at large is brought under this Act shall call in a medical practitioner, and shall examine the alleged mentally defective person and make such inquiries as he thinks advisable, and if upon such examination or other proof the justice is satisfied that the alleged mentally defective person is a mentally defective person, and was wandering at large, and is a proper person to be detained, and if the medical practitioner who has been called in signs a medical certificate with regard to the mentally defective person the justice may by order direct the mentally defective person to be received and detained in the Receiving House or Reception Ward, or other Institution or House for mentally defective persons named in the order, for not more than fourteen days, and the relieving officer or constable who brought the mentally defective person before the justice, or any constable who may by the justice be required so to do, shall forthwith convey the mentally defective person to such Receiving House or Reception Ward or other Institution or House for mentally defective persons, and the Medical Officer of the Committee of the County or County Borough for the care of the mentally defective shall, within the said fourteen days, ascertain to what institution or house the mentally defective person may most suitably be admitted, and shall, with the approval of the Committee, have him admitted to that institution or house.

Power to examine alleged mentally defective person at his own abode or elsewhere.

12. Where, under this Act, notice has been given to, or an information upon oath laid before a justice that a person wandering at large within the limits of his jurisdiction is deemed to be a mentally defective person, such justice may examine the alleged mentally defective person at his own house or elsewhere, and may proceed in all respects as if the alleged mentally defective person had been brought before him.

Suspension of removal under reception order.

13.—(1.) A justice making an order for the reception of a mentally defective person otherwise than upon petition, in this Act called a "summary reception order," may suspend the execution of the order for such period not exceeding fourteen days as he thinks fit, and in the meantime may give such directions or make such arrangements for the proper care and control of the mentally defective person as he considers proper.

(2). If a medical practitioner who examines a mentally defective person as to whom a summary reception order has been made, certifies in writing that the mentally defective person is not in fit state to be removed, the removal shall be suspended until the same or some other medical practitioner certifies in writing that the mentally defective person is fit to be removed, and every medical practitioner who has certified that the mentally defective person is not in a fit state to be removed shall, as soon as in his judgment the mentally defective person is in a fit state to be removed, be bound to certify accordingly.

Removal of mentally defective person to Receiving House or Reception Ward in urgent cases.

14. If a constable or relieving officer, is satisfied that it is necessary for the public safety or the welfare of an alleged mentally defective person with regard to whom it is his duty to take any proceedings under this Act, that the alleged mentally defective person should, before any such proceedings can be taken, be placed under care and control, the constable, relieving officer or overseer may remove the alleged mentally defective person to the receiving house or reception ward, and the master of the receiving house or reception ward shall receive and relieve and detain the alleged mentally defective person therein, but no person shall be so detained more than three days, and before the expiration of that time, the constable, or relieving officer, shall take such proceedings with regard to the alleged mentally defective person as are required by this Act.

Temporary removal of mentally defective person to Receiving House or Reception Ward under order of justice.

15.—(1.) In any case where a summary reception order might be made, any justice, if satisfied that it is expedient for the welfare of the mentally defective person, or for the public safety, that the mentally defective person should forthwith be placed under care and control, and if it appears to him that there is proper accommodation for the mentally defective person in the receiving house or reception ward may make an order for taking the mentally defective person to and receiving him in that receiving house or reception ward.

(2). In any case where a summary reception order has been made, an order under this section may be made to provide for the detention of the mentally defective person until he can be removed.

(3.) An order under this section shall not authorise the detention of a mentally defective person in a receiving house or reception ward for more than fourteen days, after which period such detention shall not be lawful, except in accordance with the provisions of this Act as to the detention of mentally defective persons in receiving houses or reception wards.

(4.) An order under this section may be made by any justice having jurisdiction in the place where the mentally defective person is.

RECEPTION ORDER BY TWO COMMISSIONERS.

Commissioners may send mentally defective person to an institution or house for mentally defective persons.

16.—(1.) Any two or more Commissioners may visit a mentally defective person who is in a house or institution, not registered as an institution, for the care and maintenance of such persons, or any mentally defective or alleged sane epileptic in a registered institution or house for epileptics, and may, if they think fit, call in a medical practitioner.

(2.) If the medical practitioner signs a medical certificate with regard to the mentally defective person, and the Commissioners are satisfied that the person is a mentally defective person, and a proper person to be detained, they may by order direct the mentally defective person to be received in an institution or house for mentally defective persons or a Receiving House or Reception Ward, and the relieving officer of the district or any constable who may by them be required to do so shall forthwith convey the mentally defective person to such institution or house for mentally defective persons or to a receiving house or reception ward.

(3.) The said Commissioners in such cases shall communicate with the Medical Officer of the Committee of the County or County Borough Council, or one of the Medical Officers of the Committee; or a certifying medical practitioner, and it shall be the duty of that officer to arrange for the reception of the mentally defective person in an institution, or house or receiving house, or reception ward, registered as suitable for the admission of such persons within the County or County Borough.

FORMS.

FORM A.

Order for the reception of a mentally defective person, to be made by the Judicial Authority appointed under the Act for the Care and Control of the Mentally Defective, Judge of County Court, or Stipendiary Magistrate.

I the undersigned, E.F., being a Justice for , specially appointed under the Act for the care and control of the Mentally Defective on the petition of C.D. of [1]

in the matter of A.B., a mentally defective person accompanied by the medical certificates of G.H. and I.J. hereto annexed, and upon the undertaking that the said C.D. do visit the said A.B. personally or by some one specially appointed by the said C.D. once at least in every six months, while under the care and control under this order [authorise you to receive the said A.B. as a patient into your Hospital, Institution, Registered House or Home] [2] or [authorise the Committee for the Care and Control of the Mentally Defective in the County of , or in the County Borough of to place the said A.B. as a patient in such Hospital, Institution, Registered House or Home, as they may think best in view of this order and the certificates that accompany it].

And I declare that I have [or have not] personally seen the said A.B. before making this order.

(*Signed*) E. F.,
A Justice appointed under the above mentioned Act
[or the Judge of the County Court of
or a Stipendiary Magistrate].

To [4]

[1.] Address and description.

[2.] To be addressed to the medical superintendent or superintendent of such hospital, institution, or registered house or home selected; *or* to be addressed to the Committee, for the Care and Control of the Mentally Defective for the county or county borough.

[3.] Here the name of the medical superintendent or superintendents; *or* the name and address of the committee of the county or county borough.

FORM B.

Certificate of a Medical Officer of the Committee for the care of the Mentally Defective of the Council of the County or County Borough, or of a Certifying Medical Practitioner, or of a General Medical Practitioner.

In the matter of A.B. [1] in the County or County Borough [2] of [3] a person alleged to be mentally defective.

I, the undersigned, C.D., do hereby certify as follows:

1. I am a person registered under the Medical Act, 1858, and I am [the Medical Officer of the said Committee] or [a Certifying Medical Practitioner appointed by the said Committee] or [in the actual practice of the Medical profession].

2. On day of , 19 , at [4] in the County or County Borough [5] of

[separately from any other practitioner] [6], I personally examined the said A.B., and came to the conclusion that he is mentally defective within the meaning of Section of the Act for the Care and Control of the Mentally Defective; and that he requires care and control accordingly.

3. I formed this conclusion on the following grounds, namely —

(*a*) Facts indicating mental defect ascertained by myself during [observation] [7] and

examination [8] namely:—

(*b*) Facts communicated by others: [9]

4. In my opinion the said A. B comes within the class of mental defect defined in sub-section of section of the Act for the Care and Control of the Mentally Defective (see back).

[*If an urgency certificate is required it must be added here. See subjoined form.*]

5. The said A.B. was [or was not] in my opinion, in a fit condition of bodily health to be admitted or removed to such a Hospital, Institution, Registered House or Home as is suitable for

persons of mental defect coming under Clause of Section of the Act [10].

6. I give this certificate, having first read the sections of the Act of Parliament printed on the back.*

Dated (*Signed*) C.D. of [11]

* The schedule printed on the back would be as follows:

(1) Extract from Section 317 of the Lunacy Act, 1990, incorporated in the Acts for the Care and Control of the Mentally Defective.

Any person who makes a wilful misstatement of any material fact in any medical or other certificate or in any statement or report of bodily or mental condition under this Act, shall be guilty of a misdemeanor.

(2) Section of the Act for the Care and Control of the Mentally Defective containing the definitions of classes of mental defect (as defined in Recommendation IV.)

[1.] Insert residence of patient.

2.] County or county borough as the case may be.

3.] Insert profession or occupation, if any.

[4.] Insert place of examination, giving name of street, with number or name of house, or should there be no number the Christian and surname of occupier.

[5.] County or county borough, as the case may be.

[6.] Omit this where only one certificate is required.

[7.] "Observations include any observation of the patients at times other than the examination, for instance, at a Receiving House or Reception Ward.

[8.] If the same or other facts were observed previous to the time of the examination, the certifier is at liberty to subjoin them in a separate paragraph.

[9.] The names and Christian names (if known) of informants to be given, with their addresses and descriptions.

[10.] Strike out this clause in case of a private patient whose removal is not proposed

[11.] Insert full postal address.

FORM C.

Statement Accompanying Urgency Order.

I certify that it is expedient for the welfare of the said A.B. [or for the public safety, *as the case may be*] that the said A.B. should be forthwith placed under care and control.

My reasons for this conclusion are as follows: [*State them.*]

E.—EDUCATION AND TRAINING.

(Recommendations LVII. to LXIV.)

RECOMMENDATION LVII.

The Committee for the care of the mentally defective to be responsible for training, and education if necessary, of mentally defective children.

That the County Council or County Borough Council, as the case may be, acting through its Committee for the care of the mentally defective, be responsible for the manual and industrial and other training of all children who come under Classes (3) to (9) inclusive, in Recommendation IV., except such children who have not otherwise been properly and suitably provided for.

See paras. 1084–1090.

RECOMMENDATION LVIII.

Managers of National Schools or Education Authority to submit attendance register of children and notify mental defectives to Medical Officer of the Committee.

That the Managers of National Schools or the Education Authorities place at the disposal of the Medical Officer of the Committee the register and roll of children who are of age to attend school, and notify to him any cases of children of that age who are thought to be mentally defective, as defined in Recommendation IV., and that the Medical Officer of the Committee, or one of the Medical Officers of the Committee, after consultation with the Medical Officer of the Managers or of the Education Authority, report all such cases to the Committee with a view to action being taken under Recommendations XXXVII. or XXXIX.

RECOMMENDATION LIX.

Examination of alleged mentally defective child by Medical Officer of Committee.

That the Committee, in making their arrangements under the above Recommendation, shall provide facilities for enabling any parent who is of opinion that his child ought to be dealt with under the proposed Act to present such child to the Medical Officer of the Committee, or one of the Medical Officers of the Committee, or a certifying medical practitioner, to be examined, although the parent may not have been required so to do by the Committee, and any Committee failing to provide such facilities shall be deemed to have acted in contravention of the proposed Act.

RECOMMENDATION LX.

Report of Medical Officer of the Committee.

That the Medical Officer of the Committee, or one of the Medical Officers of the Committee, or a certifying medical practitioner, if he is of opinion that any such child is mentally defective as defined in Recommendation IV., shall report to the Committee to that effect.

RECOMMENDATION LXI.

Duty of parent to cause child to attend medical examination.

That it shall be the duty of the parent of any child who may be required by the Medical Officer of the Committee to attend at the place arranged for the purpose of examination, to cause such child to attend with that object, and any parent who fails to comply with such requirement shall be liable, on summary conviction, to a fine not exceeding five pounds.

RECOMMENDATION LXII.

Transfer of a child no longer mentally defective from care of the Committee to the care of Managers or the Education Authority.

That in the case of any child of school age who has been dealt with by the Committee as mentally defective, it shall be the duty of the Medical Officer, at any time, if the child, in his opinion, is not mentally defective, to report the case to the Managers of the National School of the district or the Education Authority, on whom the education of the child will from that date *ipso facto* devolve.

RECOMMENDATION LXIII.

Duty of parents to cause mentally defective child to attend for instruction or training.

That the duty of a parent under Section 1 of the Irish Education Act, 1892, to provide elementary instruction for his child shall, in the case of any child coming within classes 3 to 9 of Recommendation IV., include the duty to cause the child to attend a class or school, or to reside in any home or institution for the instruction or training of the mentally defective, from and up to such age as in the interest of the child may, on the report of their Medical Officer or one of their Medical Officers, seem necessary to the Committee, whether this instruction or training be provided by the Managers of National Schools or the Education Authority in contract with the Committee or by the Committee itself; and a parent shall not be excused from this duty by reason that a guide or conveyance is necessary.

RECOMMENDATION LXIV.

Guides or conveyances to be provided.

That in the case of children who, in the opinion of the Committee, cannot be trained suitably except at a special school or class, the Committee shall provide guides or conveyances if, in the judgment of the Committee and its Medical Officer or one of its Medical Officers or of a certifying medical practitioner, the children without this provision would be unable to attend the school or class in question.

F.—CRIMINAL MENTALLY DEFECTIVE PERSONS.

(Recommendations LXV. to LXVII.)

RECOMMENDATION LXV.

Criminal mentally defective persons. Summary Jurisdiction.

I. That in cases which may be determined summarily, and in which a court of summary jurisdiction is of opinion that the person charged is mentally defective, the court may adopt any of the following courses:—

(1) The court may remand the person charged to a receiving house or reception ward or other institution maintained or controlled by the Committee, or to the custody of an officer of the Committee, or, if in the particular case it appears necessary, to prison.

(2) The court may adjourn the hearing of the charge, pending the report of a medical officer of the Committee, and it may subsequently adjourn the case *sine die*, if on the certificate of the medical officer it makes a summary reception order for the reception of the accused person in a suitable institution which is under the committee's control.

See Recommendation LVI.

(3) After conviction any officer or representative of the Committee, may, on their behalf, become a surety for the offender, and in that case the court may bind him over to come up for judgment at some future time, or when called upon.

(4) After conviction, the court instead of sending the offender to prison, may on the report and certification of the medical officer, or one of the medical officers of the Committee, or a certifying medical practitioner order his reception under a summary reception order in any institution that the Committee may determine, being maintained by the Committee or under its control.

Recommendation LVI.

(5) After conviction the court, instead of sending the offender to prison, may accept recognisances from a surety or sureties on his behalf, on condition that he remains under the control of the Committee until they discharge him.

Procedure on committal for trial.

II. That in cases triable by indictment, justices, if satisfied that the person charged is mentally defective, shall have power when committing for trial to accept recognisances on behalf of the committee from any officer or other representative of the committee, or to order the accused to the custody of the committee, instead of to prison, until the trial takes place.

Cases tried at Assizes and Quarter Sessions.

III. That in cases tried at assizes and quarter sessions the court shall in regard to mentally defective persons including persons of unsound mind, have the powers referred to above in I (3), (4), (5).

IV. That in cases tried at assizes and quarter sessions the court should be empowered to direct that the accused be submitted to examination, and if necessary, certification, notwithstanding that he has been acquitted of the offence charged, if, in the opinion of the court, it is desirable that his mental condition should be ascertained with a view to provision being made for his care.

Duty of police in cases of apparent mental defect or recurrent short sentences.

V. That in cases of apparent mental defect or recurrent short sentences which are brought before the courts, the police should be under statutory obligation to apply to the Commission, and to the committee for the care of the mentally defective, for any information they may have with regard to the person charged, and to lay the same before the court.

RECOMMENDATION LXVI.

Mentally defective persons under sentence or order of detention.

That subject to the approval of the Lord Lieutenant, any officer having in custody any person under sentence, or order of detention, shall at any time during detention hand over such person if certified to be mentally defective to the care of the Committee responsible for him, and it shall be the duty of the Committee to maintain that mentally defective person in a suitable institution.

RECOMMENDATION LXVII.

Discharge from Institutions.

That the consent of the Lord Lieutenant be necessary for the discharge from any institution maintained by or under the control of the Committee of any person dealt with in accordance with the procedure proposed in Recommendations LXV. and LXVI.

G.—MISCELLANEOUS.

(Recommendations LXVIII. to LXXIV.)

RECOMMENDATION LXVIII.

Epileptics not mentally defective.

That the Commission be empowered to register inspect and report on institutions or houses for the care of epileptics not provided for as mentally defective, and to regulate the same if they form part of an institution for the mentally defective, and that the Committees for the care of the mentally defective be authorised to consider and deal with the cases of these epileptics and to provide for their accommodation and maintenance, care, treatment, education, training and control, and with regard to these epileptics shall have the powers referred to in Recommendations XXII.-XXIV. (inclusive), XXVII. and XXVIII., XXXII.-XXXV. (inclusive), XXXVII.-XXXIX. (inclusive), and in Recommendations from LVIII. to LXIV. (inclusive), so far as may be necessary.

See Paras. 1082, 1083.

RECOMMENDATION LXIX.

The Inebriates Acts.

That as it appears that mentally defective cases to a large extent are at present dealt with under the Inebriates Acts, it is desirable that those

Acts should be amended so far as may be necessary to make it clear that the Committees shall be under the obligation of dealing with such inebriates as are mentally defective.

RECOMMENDATION LXX.

That a person who has received for any mentally defective, or epileptic, though not mentally defective, member of his family any assistance towards the accommodation and maintenance, care, treatment, education, training and control of such member of his family at the expense of any rate, shall not by reason thereof be deprived of any franchise right or privilege or be subject to any disability or disqualification.

Avoidance of disabilities.

RECOMMENDATION LXXI.

That where the Committee incur any expense in respect of any mentally defective person the parent or guardian or other person who is liable to maintain or has the actual custody of such person shall be liable to contribute towards this expense a weekly sum such as may be agreed upon between the Committee and the party or parties so liable, or in default of agreement, as may, on the application of the Committee or the party or parties so liable, be settled by a Court of Summary Jurisdiction, and any sum so agreed upon or settled may without prejudice to any other remedy, be recovered by the Committee as under Section 25 of the Irish Reformatory Schools Act, 1868, and that this Recommendation shall apply to any persons who are epileptic though not mentally defective.

Contributions by parents.

NOTE.—Section 25 of the Irish Reformatory Schools Act, 1868, is as follows :—

"In case default be made for the space of fourteen days in payment of any sum of money which may have become payable by such parent or step-parent under any such Order, such sum of money shall in every such case be levied upon the goods and chattels of the defendant by distress and sale thereof; and if it shall appear to the said Justices, on confession of the defendant or otherwise, or if it shall be returned to the warrant of distress, in any such case that no sufficient goods of the party against whom such warrant shall have been issued can be found, it shall be lawful to the Justices or Magistrate to whom such return is made, or for any other Justice of the Peace for the same county, riding, division, liberty, city, borough, or place, by his warrant as aforesaid, to commit the defendant to the House of Correction or common goal for any term not exceeding ten days, unless the sum to be paid, and all costs and charges of the distress, and of the commitment and conveying of the defendant to prison (the amount thereof being ascertained and stated in such commitment), shall be sooner paid."

Provisions in case of Default in Payment by Parents.

RECOMMENDATION LXXII.

That the accounts of boroughs relating to the care and control of the mentally defective, including the accounts of asylums, should be audited by the Local Government Board auditor, and that the specification for tenders and the contract prices in all institutions for the mentally defective should be examined by the Commission, or be investigated by the Local Government Board auditor and form part of his report to the Local Government Board.

Accounts of Boroughs relating to the mentally defective, to be audited by Local Government Board.

RECOMMENDATION LXXIII.

That the Lord Lieutenant and the Lord Chancellor have their attention called to the Evidence before us on the subject of the protection of mentally defective persons against sexual crime and immorality, and be invited to consider whether the existing law provides adequate protection for such persons.

Protection of mentally defective persons under existing law as to sexual crimes, etc.

RECOMMENDATION LXXIV.

Management and Administration of property of mentally defective persons.

That the powers vested in the Lord Chancellor by section 68 of 34 & 35 Vict., c. 22, be extended to the property (irrespective of amount) of all mentally defective persons, as defined in Recommendation IV., or that a procedure should be instituted analogous to that provided by the English Lunacy Act, 1890, relating to management and administration, and that the same should be applicable to all mentally defective persons as defined in Recommendation IV.

See para 1071.

NOTE.—Section 68 of the Lunacy Regulation (Ireland) Act, 1871, is as follows:—

> "Where it is established to the satisfaction of the Lord Chancellor intrusted as aforesaid that any person is of unsound mind and incapable of managing his affairs, and that his property does not exceed two thousand pounds in value, or that the income thereof does not exceed one hundred pounds per annum, the Lord Chancellor intrusted as aforesaid may, without directing any inquiry under a Commission of Lunacy, make such order as he may consider expedient for the purpose of rendering the property of such person, or the income thereof, available for his maintenance or benefit, or for carrying on his trade or business; provided, nevertheless, that the alleged insane person shall have such personal notice of the application for such order as aforesaid as the Lord Chancellor shall by general order to be made as after mentioned direct."

CONCLUDING PARAGRAPHS AND SIGNATURES TO THE REPORT.

We have now set out in separate sections of our Report our opinion on the matters submitted for our consideration so far as they relate to England and Wales, to Scotland, and to Ireland respectively: and we have appended to each section a detailed statement of our Recommendations.

We desire to record our great indebtedness to our Secretary, Mr. H. B. N. Mothersole, Barrister-at-Law, whose services have been of very material assistance to us in our work. His legal qualifications, and the wide knowledge which he has acquired of the subject-matter of our investigation, together with the ability and tact which he has shown in arranging for the provision of evidence and in dealing with the other business of the Commission, have greatly facilitated our task.

All which we humbly submit to your Majesty.

(Signed) RADNOR. (L.S.)
W. P. BYRNE. (L.S.)
C. E. H. CHADWYCK-HEALEY. (L.S.)
*CHARLES E. H. HOBHOUSE. (L.S.)
*F. NEEDHAM. (L.S.)
H. B. DONKIN. (L.S.)
*JAMES C. DUNLOP. (L.S.)
*HENRY D. GREENE. (L.S.)
H. N. BURDEN. (L.S.)
*W. H. DICKINSON. (L.S.)
C. S. LOCH. (L.S.)
ELLEN F. PINSENT. (L.S.)

HARTLEY B. N. MOTHERSOLE,
Secretary,
July 10*th*, 1908.

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* These Commissioners sign subject to the reservation or reservations in the Memoranda which bear their signatures.

MEMORANDUM BY HONORARY ASSISTANT IRISH COMMISSIONERS.

So far as the Recommendations in this Report affect Ireland we are in full accord with them.

(Signed) GEO. PLUNKETT O'FARRELL.

JOSEPH MOONEY.

Honorary Assistant Commissioners.

MEMORANDUM BY MR. C. E. H. CHADWYCK-HEALEY, C.B., K.C.

Although I have expressed my concurrence with the Report as a whole, I desire to add that I am not satisfied that it would be expedient to withdraw the question of the degree of mental responsibility in criminal cases from the verdict of a jury and to leave that question to the Court, except where an order of a probationary character, such as we have recommended where possible, is made by a Court of Summary Jurisdiction, or a higher Court.

If the prisoner was in fact irresponsible when he committed the offence, that fact should, in my opinion be so found, and by a jury. If he was only " partly responsible " the question whether his mental condition had, or had not any relation to the crime should equally, I think, be determined by a jury.

In view of the possibility that now obtains of an appeal in criminal cases it does not seem to be prudent to run the risk of obscuring the issues. Moreover, it is doubtful to my mind whether possible confinement for remedial purposes for an indefinite period in this class of cases should be left to the decision of the Secretary of State without the assistance of the verdict of a jury based on evidence upon which an appeal might lie to the Superior Court.

The finding of a jury upon the evidence, with the assistance of the judge, would leave the latter free to impose a sentence, either: (1) punitive; or (2) remedial or curative; or (3) partly punitive and partly remedial.

(Signed) C. E. H. CHADWYCK-HEALEY.

MEMORANDUM BY MR. C. E. H. HOBHOUSE, M.P

I have signed the Report, being in general agreement with my colleagues as to the necessity for dealing with the difficult problems which surround the control of the feeble-minded. The present arrangements are neither satisfactory nor sufficient. I cannot, however, be held as subscribing to the details—administrative, legislative, or financial of their proposals. My continuous absence in India for a considerable portion of the time when evidence was taken and the Report discussed, has prevented me from following with the necessary attention either principles or details during the later stages of our inquiry.

(Signed) C. E. H. HOBHOUSE.

MEMORANDUM BY F. NEEDHAM, ESQ., M.D.

Although I thoroughly agree with the Recommendations generally, I desire to express my dissent from the proposal in Recommendation XVI. that the Assistant-Commissioners should have specific districts assigned to them in which they should reside.

In my opinion they should be placed, as respects their work, under the unfettered direction of the Board of Control who should allot to them from time to time districts in which they should discharge such duties as were required of them, but in which they should not necessarily reside.

If these new officials are, as is suggested, to be qualified to discharge, if required, all the duties of Commissioners except that of central administration they should possess, and have continued opportunities of acquiring, varied experience such as one district only would be unable to afford them. They should be able to compare district with district and institution with institution and in virtue of this wide experience be qualified to give valuable advice and assistance to lunacy officials whether in asylums or elsewhere.

Moreover, the Recommendation would be needlessly expensive, for if the country were divided into districts to each of which an assistant Commissioner was allotted, many more appointments would have to be made than would be required while the new work was only growing.

I am also unable to concur in the desirability of Recommendation XXI., which brings the Commissioners of the Board of Control within Civil Service limits of retirement at the age of sixty-five. I am also unable to concur with the similar Recommendation XV. as to Ireland.

It would, in my opinion, greatly circumscribe the area of selection by almost necessarily excluding a large proportion of the medical superintendents of asylums, who alone have long and wide practical experience of this special form of institutional administration.

If appointed when of ripe experience, say at fifty years of age (and it must be remembered that men are not usually appointed medical superintendents at an early age) they would not be able, in their years of office, to earn pensions at all equal to those to which a continuance in the asylum service would usually entitle them. They would not therefore be likely to become candidates. Even at present, without the age restriction, this difficulty has frequently prevented the applications of eligible men.

In their absence the Commission must consist largely of men with much less experience than those whom it became their duty to supervise and without adequate practical acquaintance and familiarity with the administration of institutions for the mentally defective. Its expert consultative value and status would, therefore, suffer materially.

It must be remembered that assistant medical officers of asylums take no necessary share in their administration however highly skilled they may be in the treatment of their patients.

I am strongly of opinion that the Lunacy Commission or Board of Control should be left in its present comparatively independent position, and that its members should not be appointed by the Head of any State Department which is more or less practically subject to the control of the public as voters.

(Signed) F. NEEDHAM.

MEMORANDUM BY DR. DONKIN DR. DUNLOP, THE REV. H. N. BURDEN, MR. W. H. DICKINSON, DR. C. S. LOCH, AND MRS. PINSENT.

We are of opinion that the members of the Board of Control should be appointed by and directly responsible to the Secretary of State for Home Affairs.

(Signed) H. B. DONKIN.
JAMES C. DUNLOP.
H. N. BURDEN.
W. H. DICKINSON.
C. S. LOCH.
ELLEN F. PINSENT.

MEMORANDUM BY J. C. DUNLOP, ESQ., M.D.

It is with great regret that I find myself unable to express unqualified concurrence with all stated in the Commission's Report, and find it necessary to write this memorandum expressing dissent from some of the Commission's conclusions and Recommendations. But before stating and explaining the differences of opinion, I desire to record that I am in entire agreement with much in the Report, including some of the principal Recommendations, among which I may mention the urgent necessity of legislation to secure that proper care and control be provided for certain classes not at present habitually provided for under the lunacy laws, the necessity in England of strengthening and unifying the central authority for the supervision and inspection of mentally defective persons whose liberty is in any way interfered with, the increase of medical inspection of institutions for the care and treatment of mentally defective persons, and the diminution of legal inspection of such institutions, the introduction into England of greater elasticity of method of dealing with mentally defective persons after certification, and the limitation of relief at public cost to those mentally defective persons who are not, and who cannot be, efficiently cared for by their relatives or guardians. With these and other principles I agree, and it is mostly as to the method of giving practical effect to them that I am at variance with the majority of the Commission.

In this memorandum I shall endeavour to explain my views on subjects on which I differ in opinion from the majority, and which subjects, by being incorporated in the Recommendations appended to the Report, are of importance. I find it necessary to entirely disassociate myself from the Commission's Recommendations applicable to Scotland, and shall state at some length my views as to what alterations of the lunacy law in Scotland are necessary to give effect in that country to the general principle that proper care and control be provided for all mentally defective persons whose condition is such as to require care and control.

English Recommendations.

Certification and Definition.—I am in agreement with the majority of the Commission that some changes in the procedure of certification and some changes of nomenclature will be necessary for the success of the general scheme, but there are two alterations suggested in the Commission's Recommendations with which I cannot agree.

The first of them is in the Commission's Recommendation LXVIII. which advises an amendment of Section 6 (1) of the Lunacy Act, 1890, by which the judicial authorities would be given some discretionary power as to the method of disposal of mentally defective persons; and the second is in the Commission's Recommendation LXX., which suggests some alterations of the statutory form of certificate, including the insertion in that certificate of an expression of opinion as to the nature of the mental defect from which the alleged mentally defective person suffers.

The amended Section 6 (1) would read thus: "Upon the presentation of the petition the judicial authority shall consider the allegations in the petition and statement of particulars and the evidence of mental defect appearing in the medical certificates, and whether it is necessary for him personally to see and examine the alleged mentally defective person; and, if he is satisfied that an order may properly be made forthwith, he may make the same accordingly either directing the admission of the mentally defective person to a particular institution or house which the petitioner, his relative, or friend may desire or failing that, which in his opinion, on the evidence submitted to him or his personal knowledge, is suitable for the admission of the said person or directing the admission of the mentally defective person to an institution or house suitable for his proper care and control,

as may be decided by the Committee for the Care of the Mentally Defective, etc." The unamended Section 6 (1) of the Lunacy Act, 1890, runs: "Upon the representation of a petition the judicial authority shall consider ——— and if he is satisfied that an order may properly be made forthwith, he may make the same accordingly." The wording of the amended clause is somewhat ambiguous, as the words, "or failing that" which occur in the middle of the clause, and which limit the discretionary power, have two possible interpretations; acording to one interpretation, the interpretation intended by the Commission, these words imply that the discretionary power is only to be exercised by the judicial authority when the petitioner fails to name an institution or house in the petition; but according to the other interpretation, an interpretation which I fear is very possible, the words imply that the judicial authority may order the admission of the mentally defective person to an institution of his own selection, or to one subsequently selected by the Committee, when he fails to be satisfied that he may make the order as petitioned for; or in other words the judicial authority in all cases by declaring himself dissatisfied may overrule the petitioner's selection of an institution, and order the admission of the mentally defective person to an institution other than the one named in the petition.

I disagree with the clause whichever way it may be interpreted, as I hold the giving of such discretionary power to justices of the peace is both unnecessary and undesirable. In the case of a "private" patient, a mentally defective person who will be supported and paid for privately, it is inconceivable that a responsible petitioner would ever fail to name the institution or house in the petition, or that he would willingly leave the selection to the wisdom of a justice of the peace or to the wisdom of a county council committee, and when the responsible petitioner has selected an institution for the care and treatment of his afflicted relative, which selection includes the selection of the medical man to whose care the afflicted relative is to be entrusted, and named the institution in the petition, interference by a justice of the peace as to that selection would be simply intolerable. I hold that a person who provides for the care and treatment of an afflicted relative is entitled to the selection of the institution in which his afflicted relative is to be treated, and to the selection of the medical practitioner by whom the afflicted relative is to be treated, and I fail to see any reason why the discretion should be taken from that person and given to a justice of the peace. I am of opinion that when dealing with private cases the naming of the institution in the petition should in the future be as necessary as it has been in the past, and that the power of the judicial authority in the future as in the past should be limited to granting or refusing the order as petitioned for.

In the case of "public" cases, cases which will be paid for out of public funds, I consider the discretionary power equally undesirable. In those cases it is conceivable that the petitioner, an official of the county council committee, may not name the institution, and consequently whichever way the clause be interpreted the justice of the peace might have power to hand over the afflicted person to the committee to be placed in any institution which that committee may subsequently select, and such an order would to a great extent deprive those mentally defective persons of the safeguard of having a judicial sanction to the method of treatment decided for them by the local authority. Were the clause interpretated as meaning that the justice could overrule the committee's selection of an institution in all cases such interference on the part of the judicial authorities, more especially as justices of the peace need not be experts in mental therapy, would be as intolerable in "public" cases as the interference of justices of the peace in the disposal of "private" cases.

I accordingly dissent from the recommendation of the Commission that the above named discretionary power, however interpreted, should be given to the judicial authorities, and hold the opinion that in the future as in the past the function of the judicial authority in this matter should be limited to the granting or refusing of an order as petitioned for

The incorporation of a statement by the certifier in the certificate regarding the nature of the defect according to a certain series of definitions is suggested in the Commission's Recommendation LXX. With that suggestion I disagree, holding that such a statement is both unnecessary and undesirable, and that the definitions themselves are so faultv as to be useless for practical purposes.

The essential points for a certifier to consider, and on which to express opinion, are two, the existence of mental defect and the requirement of care or protection or control.

These two points will be as essential in the future as they have been in the past, for it is on them, and on them alone, that the question of granting or refusing a detention order will depend, and any addition to them, such as an expression of opinion as to the nature of the defect, would not only tend to mask the two cardinal points, but would tend to make the certificate more into something of the nature of a clinical note than a responsible opinion as to the requirements of the sufferer. More than that, a full and complete diagnosis of a case of mental defect is a matter which cannot always be made at the time of examination for the purpose of certificate, for not only is the time for observation often limited, but the history of the case is not always available. For instance, a certifier may examine a case and satisfy himself that it is a case of dementia, blunting of the intellect, and readily recognise that it is a case requiring care and control, but without a history it would be frequently impossible for the certifier to satisfy himself whether such a case was one of acquired dementia or one of imbecility, and without such decision he could not place the case in its proper category, and according to the Commission's scheme of certification could not complete the certificate.

The definitions themselves are faulty in several respects, but as I advise their omission from the statutory certificate on other grounds, a full criticism is probably unnecessary. I would, however, point out that they are faulty in that the classification is a cross one, in some depending on the cause of the defect, in others on the duration of the defect, and in others on concomitant symptoms; that some of the differences between the classes are such as would be inapplicable in practice, for instance, the ability to earn a living is the suggested difference between an imbecile and a feeble-minded person, and that difference cannot be used as a test in one very important group of cases, namely, children of school age; and another great fault in the definitions is the use of such undefined and ambiguous terms as "earning a living," being "epileptic," or "inebriate," no indication being given of what "earning a living" means, or of the severity of the epilepsy, or the degree of inebriety, which would exclude a mentally defective person from one class, and include him in another. Several witnesses of great experience have criticised a series of definitions very similar to what the Commission suggest; Sir James Crichton-Browne did so, so did Dr. John Macpherson, and so did Dr. Clouston.

Crichton-Browne, 6010.
Macphers on, 21314.
Clouston, 24331.

Having indicated my reasons for dissenting from the use of the definitions included in the Commission's Recommendations, or any such series of definitions, it remains for me to express an opinion as to how the desired object, the removal of a certain conventional restriction of the application of the lunacy certificate, can be best brought about. The Commission recommends that the use of the word "lunatic" in the certificate should be abolished, and the term "mentally defective" used in its place; with that I agree, and with that Recommendation I think it necessary that the term "mentally defective" should be carefully defined, making the term so comprehensive as to include all varieties of mental defect and exclude all possibility of a statement ever being made that a person is mentally defective and requiring care and control, but uncertifiable by reason of the nature of the mental defect not being included in the definition. Such a definition might be constructed as follows: "The term 'mentally defective' shall be applicable to all persons afflicted with mental defect; whether that defect be congenital or acquired; whether it be due to disease, or to age, or to any other cause; whether it be acute or chronic; whether it be curable or incurable; and whether it be such as might be described as lunacy, or idiocy, or unsoundness of mind, or imbecility, or feeble-mindedness, or by any other term indicating mental unsoundness, or mental disorder, or mental incapacity, or mental infirmity." Such definition would, I think, serve the purpose well, it would remove all doubt as to the applicability of the certificate to all classes of mentally defective persons, and it would do so without raising the difficulties inherent to a system of definition by classes as advised in the Commission's Recommendations. I hold that such a definition would be an assistance to the certifier, while a definition by classes would be a difficulty to him.

These remarks indicate my dissent, either total or partial, from the Commission's Recommendations regarding England, III., IV., VIII., X., XLIX., LI., LII., LIII., LIV., LVI., LVII., LXII., LXVIII., LXIX., LXX., LXXI., LXXV., LXXVII., LXXXV., and from Paragraph (4) of preamble.

Care of Certified Mentally Defective Persons by Local Authorities.—I am in agreement with the majority of the Commission in holding that with an extended use of the certificate there must be greater elasticity of method of dealing with certified mentally defective persons, but take exception to the Commission's Recommendation XXXIV., which refers

to this matter, because in my opinion that Recommendation advises as methods of care and control methods which provide neither care nor control, and because the Recommendation gives little if any indication of what should be the approved methods of relief of certified persons. The Recommendation referred to states: "That subject to the Regulations of the Board of Control it shall be at the discretion of the Committee to deal with mentally defective persons in whose behalf they deem that intervention is necessary as they shall think best in the individual case, either registering the case only, or having it certified also, or taking steps for its certification and detention, or placing it in an institution or home or house or under private or family guardianship, or leaving it to the care of its parents or guardians with or without the appointment of a friendly visitor, or taking any other measures that seem to them desirable."

The first method of care and control advised by the Commission is simple registration. I dissent from such advice, as I utterly fail to see how simple registration can provide care and control in a practical form, and I hold that the acknowledgment of simple registration as an authorised means of relief would provide local authorities with an ever-ready excuse for failing to provide practical relief for necessitous cases.

The next method advised by the Commission is registration combined with certification. From this I also dissent, as I fail to see how previous certification can convert registration into practical relief, and I also fail to see what useful purpose could be served by such certification, or how the expense of such useless certification could be justified.

The third method advised by the Commission, and the all-important one, is certification followed by an order of detention and by maintenance in an institution or otherwise, but from this Recommendation I also dissent, my reason being that it is too vague, and gives too little indication of what suitable provision should be. The nature of the necessary provision is a matter about which many witnesses have spoken, it is a matter of great practical importance, and consequently I shall indicate what, in my opinion, the nature of the provision should be, or in other words, indicate my opinion as to what are the justifiable and proper methods of providing for the requirements of certified mentally defective persons.

Without the least doubt asylums such as now exist for the treatment of acute insanities and for the safe custody of dangerous lunatics, will be as necessary in the future as they have been in the past, but assuming that the certificate will be more freely used, and that a greater variety of case will be certified, it is reasonable to anticipate that those asylums will not be suitable for the reception and treatment of all certified mentally defective persons in future.

Special asylums will be required. For the proper treatment of mentally defective children special asylums of the nature of imbecile training institutions will be required so will special asylums of the nature of labour colonies for reception and treatment of mentally defective adults whose condition is such as not to require the more elaborate treatment of an ordinary asylum, and who will be benefited by work rather by idleness. In populous districts other special asylums may be found to be both economical and desirable, as for instance special asylums for senile dements, for mentally defective habitual offenders, for epileptics, and for habitual inebriates. There would appear to be no reason why some of these special asylums should not be provided in separate and specially licensed portions of workhouses, and by using them doubtless some economy would be affected. The special asylums I refer to have been spoken of by witnesses under a great variety of names: labour colonies, boarding-schools, intermediate asylums, asylum annexes, and homes for permanent detention, are some of the terms which have been used; all of them may be included under the general term special asylum, and all of them are justifiable methods of treatment of certified mentally defective persons.

The establishment of observation wards, or reception houses, is another most desirable and necessary form of provision for mentally defective persons. The Commission in Recommendation LXIV.. advises the establishment of them, and with that Recommendation I agree.

A properly regulated system of the boarding-out of mentally defective persons is also a method of giving relief to mentally defective persons which is desirable. Recommendation XXXIV., quoted above, refers to it in general, though not in specific, terms. For such a system to be satisfactory it must be properly controlled, and the patients must be

efficiently inspected, but the Recommendation gives no indication of how these two requisites are to be fulfilled, and is therefore in my opinion faulty. There are two systems of boarding-out which secure proper control and inspection, the one is the congregate, or colony, system, as in force in France, Belgium and Holland, and the other is the segregate system, as in force in Scotland. Both of them are such as might be used in England, and I am of opinion that both of them might be included in the permissible methods of dealing with mentally defective persons after certification. Such systems of boarding-out are very different from the unsatisfactory system of boarding-out "quarterly" lunatics as at present practised in England, and on which Dr. Cunningham Brown gave very clear, important, and condemnatory evidence. Cunningham Brown, 8904–9145.

The remaining method of dealing with mentally defective persons suggested in the Commission's Recommendation XXXIV., is after certification to leave the case "to the care of the parents or guardians with or without the appointment of a friendly visitor." Leaving a case to the care of the parents or guardians would either be not providing for the case at all, or it would be boarding-out the case under the care of the parents or guardians. If it were the former, the local authority would be doing nothing for the case, and the appointment of an inspector by the local authority, even though styled a friendly visitor, would be nothing short of inquisitorial interference. If it were the latter, the appointment of a friendly visitor, or special inspector, would be unnecessary, as the case, being a boarded-out one, would be otherwise inspected.

The use of so-called special classes is another practical method of relief for mentally defective persons of young age. Their educational value may be small, but they are of value in that they are of the nature of day nurseries, where the children are cared for, cleaned, often fed, and taught manners and other conventional matters. As day nurseries they give practical relief for a certain number of hours daily, and thus are a practical method of dealing with mentally defective persons. The question of the compulsory establishment of these classes I shall discuss later.

I accordingly disagree with the Commission's Recommendation XXXIV., and hold that the methods by which local authorities should provide for mentally defective persons should be the following—

(1) Treatment in ordinary asylums.

(2) Treatment in special asylums, including—

(*a*) Imbecile training institutions.

(*b*) Working asylums, or labour colonies.

(*c*) Asylums for the care of special classes of mentally defective persons, including senile dements, epileptics, inebriates, and mentally defective habitual offenders.

(3) Treatment in observation wards or reception houses.

(4) Treatment by boarding-out.

(5) Treatment in "special classes" or day nurseries.

Notification.—Being of opinion that the duties of the local authorities in respect of mentally defective persons should be strictly limited to the cases of those mentally defective persons who are not suitably provided for privately, and who thereby become a charge on the local authority, I cannot agree with the principle advised in Recommendation LVI., that there should be a system of compulsory notification of mentally defective persons to the local authority by certain officials of public and charitable institutions independent of any requirement on the part of the mentally defective persons of public assistance. Were the notification limited to those cases which require public assistance, as in Section 13 (1) of the Lunacy Act, 1890, I would be in agreement with the Recommendation, but as the Recommendation contains no such limitation I cannot agree with it. It is most desirable that all mentally defective persons whose surroundings are such that they require care and treatment should be reported or notified to the local authorities, but I see no useful purpose to be gained by the notification of other mentally

defective persons, even though they may go to some charitable institution for advice or assistance. I accordingly express dissent from the Commission's Recommendation LVI.

Local Authority.—I express no individual opinion as to the desirability of the transfer of the duty of granting relief to mentally defective persons from the Poor Law authorities to the county councils, but I desire to express my dissent from the Commission's Recommendation XCVI., which advises that the duties of the Metropolitan Asylums Board relative to the care of mentally defective persons should be transferred to the London County Council, as I am of opinion that in some ways the Metropolitan Asylums Board would be the better local authority of the two for this purpose. My reasons for holding this view are two, the one being that the institutional care of the mentally defective is a matter closely akin to other duties of the Board, such as the institutional care of persons suffering from other disease, and the second being that the Board has proved itself to be a progressive and efficient local lunacy authority. It is the only local lunacy authority in England which has established a training school for imbecile children, and the only local lunacy authority which has established a special asylum for the relief of senile dements. I may also point out that the Metropolitan Asylums Board in other sections of their work deal with both non-pauper as well as with pauper cases, they do so in their infectious diseases hospitals, and that the retention of the Board as the local mentally defective authority in London would not cross the general principle advised by the majority of the Commission, that the relief of mentally defective persons in England should be separated from poor relief.

Education of Mentally Defective Children.—The Commission in Recommendation LXXII. advises that the Elementary Education (Defective and Epileptic Children) Act, 1899, should no longer apply to mentally defective and epileptic children, and in Recommendation LXXIV. advises that the provision of manual and industrial and other training of all mentally defective children, including idiots and imbeciles, should be a statutory duty imposed on county councils acting through their committees for the care of the mentally defective, and in subsequent Recommendations partly explain how these Recommendations may be given effect to. These two recommendations imply two changes, the one a transfer of the duty of caring for mentally defective children from one local authority, the education authority, to another local authority, the authority for the care of the mentally defective; and the other the conversion of what was an optional duty applicable to selected children only, into a compulsory duty applicable to all mentally defective children, no matter the degree of the defect or the educability of the children. I do not dissent from the first of the two proposed changes, the transfer, but I do dissent from the second of the proposed changes, that making the provision of training, or education, of mentally defective children of all grades a public duty, because in my opinion the advantages which would be gained are not sufficient to justify the enormous cost which would be involved.

Educational facilities for mentally defective children under the above-quoted Act may be either in boarding schools or in special day schools. The equivalent of the former are anticipated by the general scheme of the Commission and might be provided in terms of Recommendations XXVIII. and XXXIV., and definitely so were my suggestions as to methods of providing for mentally defective persons given effect to. The transfer of the duty of providing such would be necessary for the carrying out of the Commission's general scheme. The urgent want of such institutions, no matter whether they be styled boarding schools, or imbecile training institutions, or idiot asylums, has been very clearly proven in the evidence laid before the Commission, and there can be no doubt but that the institution of such asylums for the care, treatment, training, and control of those mentally defective children who are not properly cared for at home is a most desirable, and indeed necessary, change of the lunacy law.

But the provision at public cost of training, or education, for mentally defective children of all grades, is quite another matter, and is one with which I cannot agree. In my opinion, to give practical effect to such a Recommendation it would be necessary to establish special schools or classes of some sort in every district of the country, for without such schools I cannot conceive how the special training, or education, contemplated by the Recommendation can be provided, and holding that opinion I consider that the Commission's Recommendation LXXIV. amounts to a Recommendation that special schools

or classes for the education and training of mentally defective children of all grades should be compulsorily provided in all districts of the country. That special schools are useful I have no doubt, but I hold that there is a limit to their utility. They are not curative, they do not convert mentally defective children into mentally sound adults, it is in exceptional cases only that they make mentally defective children fit to support themselves in after life, and in exceptional cases only do they obviate a requirement of after-care, institutional or otherwise. Were they curative, or did they obviate the necessity for later relief, there would be no doubt but that money spent on them would be well spent, and that the compulsory establishment of them would be economically sound, but failing such advantages I am not prepared to advise a compulsory establishment of them. The Commission's Recommendation which, in my opinion, implies a compulsory establishment of special schools or classes, implies an expenditure which may be roughly estimated at more than half a million of public money annually, and I fail to see any commensurate advantages.

When expressing my opinion as to the justifiable methods of dealing with certified mentally defective persons, I stated that I considered special classes were of considerable value in acting as day nurseries, and thus giving relief for so many hours a day. By so doing, they may obviate in some cases the necessity of the more expensive institutional relief, and thus may be economically sound. But this argument in favour of special schools cannot apply to rural districts where the number of mentally defective children must be small, and where no economy would arise from their establishment, for almost certainly a few defective children could be cheaper and more efficiently dealt with by placing them in institutions than by establishing a special school with its expensive teaching staff for their daily care. Allowing that special schools are economically sound and of value in districts where mentally defective children exist in considerable numbers, but not economically sound in districts where mentally defective children exist in small numbers only, it follows that a compulsory establishment of those schools might be justifiable in the larger urban districts, but could not be justifiable in the less populous rural districts.

I accordingly dissent from the Commission's Recommendations LXXII. to LXXXVI., which, in my opinion, imply the compulsory establishment of special schools in all districts and for all grades of mental defect, and hold the view that their establishment should either be compulsory for large urban areas only, or that their establishment should be optional as under the present Act.

Care of the Property of Mentally Defective Persons.—I take exception to Recommendation X. on the ground of incompleteness. That Recommendation advises that powers and provisions of the Lunacy Act, 1890, relating to the management and administration of the property of lunatics should apply to the property of all mentally defective persons, and I hold that such Recommendation would be quite impractical without a great change of the present legal procedure for bringing the property of lunatics under the care of the court.

The powers and provisions relating to the management and administration of the property of lunatics are stated in Sections 116 to 130 of the Lunacy Act, and are strictly limited to certain classes of lunatics, the classes being defined by Section 116, and dependent on the legal procedure mentioned in that section of the Act. It is by removal of such restriction by definition, and by simplification of procedure, and not by a mere change of nomenclature, that the powers and provisions may be extended to all mentally defective persons whose position is such that the protection of their property is necessary.

Putting aside two exceptional classes of lunatics, those for whom an order for the care of their property was made prior to 1890 and criminal lunatics, there are four classes of lunatics provided for under the 1890 Act, those so found by inquisition, those under detention in an asylum, those whose lunacy is dependent on mental infirmity arising from disease or age, and those whose property does not exceed £2,000 or the income of which does not exceed £100 per annum. These four classes no doubt include the greater number of mentally defective persons whose condition is such as to require that their property be protected by court, but they exclude a very considerable and important class, namely, mentally defective persons whose property exceeds £2,000, or £100 per annum, and who are neither detained nor so found, and whose mental defect is not due to infirmity arising from disease or age. The substitution of the term mentally defective for lunatic in the Act as advised by the Commission cannot be expected to give the neces-

sary protection to the class referred to, but what is required is the introduction of a simple method of obtaining the necessary Order of Court, which method should be applicable to all classes of mentally defective persons, no matter the amount of their estates or the pathology of the defect. Sub-section (*e*) of Section 116 of the Lunacy Act contains such simple procedure as I refer to. It states that the powers, etc., shall apply "to every person with regard to whom it is proved to the satisfaction of the Judge in Lunacy by the certificate of a Master, or by the Report of the Lunacy Commissioners, or by affidavit, or otherwise, that such a person is of unsound mind and incapable of managing his affairs, and that his property does not exceed two thousand pounds in value, or the income thereof does not exceed one hundred pounds per annum." Were the money restriction removed, and the term mentally defective inserted in place of "of unsound mind," a term which according to some has acquired a restricted meaning, that sub-section would be so comprehensive as to include not only the classes named in the remaining five sub-sections, and also every conceivable case where public protection of the property of mentally defective persons is necessary, and, that being so, the retention of the other five clauses would be unnecessary. I accordingly venture to suggest, in order that effect may be given to the Commission's Recommendation X., that a clause be inserted in the proposed Act for the Care and Control of the Mentally Defective to the effect that the powers and provisions of the Lunacy Act, 1890, relating to the management and administration of the property of lunatics should apply to every person with regard to whom it is proved to the satisfaction of a judge of the Chancery Division of the High Court of Justice, by the certificate of a Master, or by the Report of the Commissioners, or by affidavit or otherwise, that such person is mentally defective and incapable of managing his affairs.

I may add that the use of a simple procedure such as that now suggested for use in all cases has stood the test of experience, for many years there has been such a procedure in Scotland, and it has been found to answer well, giving protection to those requiring it, and not leading to any known abuse; that I have reason to assume that the majority of the Commission hold that their Recommendation implies the introduction of a simple method applicable to all cases, and that thus I am not in any serious disagreement in the principle involved; and also that the Commission in the Irish Recommendation LXXIV. advises the introduction in that country of single simple procedure applicable to all classes.

Irish Recommendations.

The Commission's Recommendations regarding the necessary amendments of the lunacy law in Ireland are based on the same principles as the Commission's English Recommendations, and contain most of the suggestions from which I have expressed dissent in the English section of the Memorandum. I do not consider it necessary to again explain my reasons, but desire to express my dissent from the Commission's Irish Recommendations in so far as they include principles I have objected to in the English Recommendations, and which I have discussed in this Memorandum under the following headings:—Certification and Definition, Care of Certified Mentally Defective Persons, Notification, and Education of Mentally Defective Children.

Scottish Recommendations.

I am in complete agreement with the majority of the Commission in holding that in Scotland, as in England, there are some mentally defective persons who at present are not receiving the care, protection and control which their condition necessitates, and that to meet their wants some amendment of the Scottish lunacy law and administration is urgently required. I agree with some of the conclusions expressed in Chapter XLIII. of the Report, the chapter dealing with the Scottish evidence, and with a few of the individual Recommendations, but my views as to the general conclusions to be derived from the Scottish evidence, and as to the general scheme of amendment, are so essentially different from those of the majority of the Commission that I am compelled to disassociate myself from all stated in Chapter XLIII., and from the Commission's Recommendations regarding Scotland, and to separately express my views as to the reasons for amendment, and scheme of amendment.

My principal reason for dissent from the Commission's Recommendations are that I consider them to be much more extreme than are called for, and it will be my endeavour in this Memorandum to show a scheme of amendment which, in my opinion, while being better suited to meet the wants of the neglected classes, is simpler, and does not involve the almost complete reconstruction of the Scottish lunacy administration advised in the Commission's Recommendations. The scheme of amendment which I shall describe is essentially different from that which the Commission advises for adoption in England, but I hold that the differences between the Scottish and English lunacy laws and administrations are so great, that it is quite consistent to advise different schemes of amendment in the two countries. I do not intend to offer any criticism of the Commission's Recommendations, but to limit myself to an explanation of the alternative scheme which I venture to suggest.

Dr. John Macpherson, in his full and carefully considered evidence, states: "The administrative machinery in Scotland is, in my opinion, sufficient for dealing with the care and treatment of all mentally unsound in the country who require care, provided only that some additional means can be organised for bringing more easily within the scope of the machinery certain classes who at present, unfortunately, are more or less neglected," and specifies the classes he refers to. The general trend of all the evidence of the Scottish witnesses has been to support Dr. Macpherson's conclusion, and it is on that principle that I found the scheme which I now suggest. The classes of mentally defective persons which he describes as "more or less neglected" are four in number, and are: (1) Children of unsound mind, using that term as including all mentally defective children; (2) mentally defective delinquents; (3) vagrants, loafers, and ins-and-outs of poorhouses; and (4) inebriates. It may, perhaps, be hardly necessary to consider inebriates as a class by themselves, for, with few exceptions, the neglected ones who require relief by some public authority are included among mentally defective delinquents, or among mentally defective "ins-and-outs," but the evidence about them having been separate from the evidence about the other classes, it is a matter of convenience to retain them in a separate class. Macpherson. 21198

Adopting Dr. Macpherson's classification of the neglected mentally defective in Scotland, I shall consider the classes *seriatim*, and express my views as to the changes of the lunacy law and administration which are required to meet the wants of each. I shall afterwards express my opinion on a few other matters arising from the evidence of other witnesses.

Mentally Defective Children.—Mr. Spence, in describing the Scottish lunacy law, stated that theoretically the duty of parish authorities to provide for the care of mentally defective children is similar to the duty of parish authorities to provide for the care of adult mentally defective persons, but that in practice parish authorities do not look on imbecile children as in quite the same position as adult persons of unsound mind. This opinion may be interpreted as meaning that the Scottish lunacy law is not such as to secure that parish authorities shall provide care and treatment for all necessitous mentally defective children. Dr. Macpherson, in his evidence, corroborates that opinion, for he includes mentally defective children among those mentally defective persons who, "owing to certain legal imperfections of a slight character, and also to certain administrative anomalies, are unfortunately excluded from the operation of the present system." The result of this imperfection of the lunacy law is very evident in the evidence submitted by Dr. John Thomson, who states: "I have been strongly impressed with the difficulty that the parents of such children generally have in getting assistance, however much they may need it, and with the great hardships often suffered on this account by both parents and children;" and the same is also evident in the statement of Dr. Clarkson, who gives an analytical description of the present condition of affairs at Falkirk, and in the Report of the local investigators who describe the present position of affairs in Glasgow. To further show that the parish authorities at present consider the giving relief to imbecile children to be optional and not similar to their duty of providing relief for adult mentally defectives, I may draw attention to a system of bargaining for payment by the parents before relief to imbecile children is granted, such a system being referred to in the evidence of Dr. Thomson, and in that of Dr. Macpherson. Dr. Thomson gives a striking example of such bargaining and of how failure on the part of the parent to pay an impossible sum was the cause of the afflicted child being neglected. (*See* case James B., Question 24381.) Spence, 20933, 20935. Macpherson, 21198. Thomson, 24381. Clarkson, 21989. Macpherson, 21198. Thomson, 24381.

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The first obvious change required to meet the wants of mentally defective children is thus a statutory declaration that the duty of parish councils to provide for the necessary care and treatment of mentally defective persons includes the provision of care and treatment of mentally defective children whose home surroundings are such as to necessitate such care and treatment at public cost. Such a declaration implies no new principle, but only removes any misconception that may exist.

This suggestion is not intended to imply that it should be a duty of parish councils to provide for all mentally defective children, but is intended to strictly limit the duty to the provision of care and treatment to those children whose home conditions necessitate public relief, and to supplement that suggestion it is necessary to indicate what is meant by that limitation. The question of what are the conditions which necessitate public relief for mentally defective children is a matter dealt with in Dr. Thomson's evidence, and as he has set forth these conditions in a manner which is clear and comprehensive, I cannot do better than repeat them here, and to state my agreement with his opinion. He states the case thus :—

Thomson, 24381.

A.—On the child's account.

(1) Unkindness at home, as in the case of the illegitimate (or other) children of bad women.

(2) The impossibility of getting liberty in their home surroundings for healthy occupations and exercise and fresh air.

(3) The impossibility of getting training at home which will occupy their energies and turn them from mischievous into innocent and happy channels.

(4) Inadequate protection from the injuries inflicted on them by unscrupulous persons.

B.—On the parent's account.

(1) The exacting demands on their time and energy on the part of an idiot child who causes unjustifiable interference with their earning a livelihood, and with the training of other children.

(2) The constant anxiety caused to the parents by the child living at home when circumstances make it impossible to keep him or her under safe control (mischief, injury to younger children, fire raising, injury to child himself in a fit, danger of immoral conduct, etc.).

But such a declaration by itself would be insufficient to meet the wants of such children, because at present in Scotland there is an insufficiency of suitable accommodation for their reception and treatment, and it would be necessary to make it a statutory obligation on some public authority to provide the accommodation. There is no likelihood of philanthropic effort meeting the demand.

Spence, 20939. Macpherson, 21198. Motion, 21645, 21738. Carswell, 21884. Urquhart, 24435, 24478. Macpherson, 21198, 21330.

The insufficiency of the present accommodation has been amply attested by many witnesses, including Mr. Spence, Dr. Macpherson, Mr. Motion, Dr. Carswell, Dr. Bruce, and Dr. Urquhart. The present available accommodation consists of two training institutions jointly capable of receiving about 240 cases, and a custodial home for unimprovable cases, which is an annex to one of the Glasgow District Lunacy Board's asylums. The training institutions are both provided by philanthropic effort, the custodial home is the only special institution for the care and treatment of mentally defective children in Scotland provided by public funds.

Motion, 21748.

The amount of necessary provision is a matter dealt with in the evidence of Dr. Macpherson and of Mr. Motion. Dr. Macpherson's opinion is that an enlargement of the two existing training institutions, and the establishment of two additional training institutions, would meet the requirements of the country, and that to begin with 1,000 beds in all should suffice. Mr. Motion estimated the requirement at a higher figure. He stated as his opinion that it would require an institution of 500 beds to meet the requirement of a million of the population, and that is that between 2,000 and 2,500 beds would be required to meet the requirements of Scotland, a figure twice as large as Dr. Macpherson's estimate These estimates are too widely different to found any very definite conclusion on, but

I think the opinions of these two experienced men may be taken as indicating that the requirement will probably be found to be something between a minimum of 1,000 and a maximum of 2,500, and probably nearer the former than the latter figure.

If these necessitous mentally defective children are to be provided for in the same manner that mentally defective adults are at present provided for, it follows that the provision of the necessary accommodation should be a duty of the district boards in the same manner as the provision of accommodation for adult mentally defective persons is a duty of those boards. But there is a practical difference between the provision of institutions for the care of these children and the provision of institutions for the care of adult defectives, and that is that the number to be dealt with is much smaller. Assuming that at the present time Scotland is divided into districts of a size suitable for the establishment of asylums for adults of an economical size, and I know of no reason to doubt that, it does not follow that the districts are suited for the establishment of imbecile training institutions of an economical size. The general trend of the evidence taken in England as well as in Scotland is to the effect that for economical and efficient working institutions should be capable of holding at least 500, and consequently the establishment of imbecile training institutions by each of the twenty-seven district boards would be economically wrong. To obviate that Dr. Macpherson's suggestion, and a suggestion which I endorse, is that these training institutions should be provided, not by the district boards separately, but by them in suitable combination. Probably four such institutions should meet the requirements of the country, and the arrangement of combination of lunacy district boards to establish these four institutions is a matter which well might be entrusted to the General Board of Lunacy, and my recommendation is that it should be so.

The above are the essentials of the scheme which I venture to suggest for ensuring that necessitous mentally defective children are in Scotland provided with the care control and treatment which their condition requires. Their relief should be similar to that of adult mentally defective persons, the institutions being provided for them by district boards, the maintenance of them in the institutions and the selection of suitable means of treatment for them being a duty of the parish councils.

The present mode of admission into imbecile training institutions in Scotland is, in my opinion, such as to meet all the requirements of the situation. There is no statutory order of detention, but when public money is being expended there is a double medical certificate. I see no reason whatever to make any change, an order of detention when dealing with children appears to be quite unnecessary, while the double certificate in a case involving the expenditure of public money is required to safeguard that money, and to secure that it is being spent on suitable cases only.

The present rule in Scotland that mentally defective children should only be allowed to remain in these institutions up to the age of eighteen is, I consider, also sound. The great reason for having the institutional provision for juvenile mentally defectives separate from that for adult mentally defectives is that the latter in many ways is unsuited for the special requirements of young mentally defective persons. But when the children grow up the same reason no longer exists, and the general provisions are as suited for their requirements as they are for the requirements of other mentally defective persons. In advising the continuance of this rule of discharge at eighteen, I do not wish it to be inferred that in my opinion the entire responsibility of parishes to provide care, etc., for congenitally mentally defective persons should cease at that age. My assumption is that the responsibility of the parishes to provide for them at eighteen would be the same as to provide for them at a younger or at an older age, and that if their condition remained such as to require care and treatment at public cost, the parishes would be bound to provide for them in one of the other approved methods, namely, by boarding-out, by placing in an asylum, or by placing in licensed poorhouse wards.

I have in the earlier portion of this Memorandum expressed my opinion as to the utility of special schools for mentally defective children, and how I consider them of value in acting as day nurseries and thus giving relief for a certain number of hours daily, but of little value as educational institutions in any way likely to improve the chances of the mentally defective children becoming self-supporting. These schools in terms of a recent Act have been established in some of the principal towns in Scotland and are serving a useful purpose, and will continue to do so by limiting the number of cases requiring the more expensive institutional relief, and I hold that there is no good reason whatever

for in any way interfering with the present Act. I entirely disagree with the majority of the Commission in advising that the establishment of special schools all over the country should be a duty of district lunacy boards, as is implied by the Commission's Recommendation XXIV. regarding Scotland. I hold that the expense of carrying out that Recommendation would be enormous, and the advantages gained comparatively small.

Macpherson, 21193. Russell, 23650. Fyfe, 24668. Crombie, 24852. McNaughton, 24963.

Mentally Defective Delinquents.—These form the second group of mentally defective persons described by Dr. Macpherson as at present more or less neglected in Scotland, and that they are so is a fact fully corroborated in the evidence of other witnesses, including Sir James Russell, Sheriff Fyfe, Mr. Crombie, and Dr. McNaughton, and all of them are in a position to have special knowledge of the requirements of the class of mentally defective person referred to. Indeed, the cases described by some of them reveal an extremely sad, if not scandalous, state of affairs. No one can read the cases detailed in the evidence of Dr. Macpherson, and in that of Mr. Crombie, without realising the neglect of this helpless and irresponsible class, and without appreciating the necessity of making some special provision for them.

The repeated presence of these mentally defective persons in prison may be accepted as proof that the machinery for securing the recognition of their condition outside prison is faulty, and the fact that when dealt with in prison on account of their mental defect, and sent to district asylums, they frequently return to prison within a short time is ample proof that the method of dealing with them when their condition is recognised in prison is also faulty. Dr. Macpherson describes the case of a mentally defective person who, in the course of two years, was nine times certified to be insane, and during the same two years was fourteen times sentenced to imprisonment (*see* case R.C., page 31 of Vol. III. of Evidence), and Mr. Crombie describes a case who, in the course of four years, was six times certified to be insane during sentences of imprisonment (*see* case C.K., page 254 of Vol. III.).

The administrative factors which tend to aggravate this present unsatisfactory state of affairs are:—

Crombie, 24852.

(1) The fact that the usual order of detention obtained for the admission of mentally defective prisoners to asylums, that given in terms of Section 6 of the Dangerous Lunatics (Scotland) Act, 1871, is valid only for the period of the sentence, and that at the time of expiry of sentence fresh certificates are required. Many of the mentally defective persons found in prison suffer from the milder forms of mental defect, and it frequently happens that after a few days or weeks of treatment their condition is so far improved as to make the necessary re-certification a matter of difficulty, more especially when that re-certification is not by the prison medical officers, who know something about the histories of the cases, but by the parish medical officers, who may know very little about their histories.

Macpherson, 21198. Motion, 21785.

(2) There is a prejudice against the presence of these "gaol birds" in asylums which receive for treatment the respectable poor, a prejudice common to the medical superintendents, to the parish and district boards, and to the asylum patients.

(3) The knowledge that certification in prison is frequently useless as a means of securing care and protection of this class of person limits the action of the prison authorities, including the medical officers, to dealing with the more extreme cases only.

Macpherson, 21198, 21335. Motion, 21645, 21785. Carswell, 21858, 21919. Russell, 23650, 23736. Bruce, 24120. McNaughton, 24963, 24972. Clouston, 24349. Urquhart, 24503. Fyfe, 24698. Crombie, 24864.

To correct these obvious faults the necessaries are; (1) separate accommodation; and (2) a special order for detention suited to their special requirements.

A special asylum for the reception and detention of this neglected class of mentally defective persons is the first of these essentials. The provision of such an institution is a change of the lunacy administration in Scotland which has been advocated by many witnesses, including Dr. Macpherson, Mr. Motion, Dr. Carswell, Sir James Russell, Dr. Bruce, Dr. McNaughton, Dr. Clouston, Dr. Urquhart, Sheriff Fyfe, Mr. Crombie and others, and it is a change of lunacy administration which, in my opinion, is essential to the success of any scheme for providing the necessary care and protection for this

presently neglected class of mentally defective persons. The obvious and great advantages of a special asylum for them are: (1) That it could be so regulated to meet the special requirements of this class of person without in any way interfering with the treatment of ordinary pauper lunatics, the discipline would probably require to be stricter than that in an ordinary asylum, and certainly the means of obviating escape would have to be stricter; (2) the power of discharge by the medical superintendent could be restricted without in any way interfering with the power of discharge of all the inmates of an ordinary asylum by the medical superintendent on recovery, a point laid great stress on by Mr. Spence and Dr. Macpherson; and (3) it would meet the presently existing, and perhaps well-founded, objection to admitting these "gaol birds" to ordinary asylums. Spence, 20790. Macpherson, 21239.

There is unanimity of opinion as to the desirability of a central asylum for the reception of these prison cases, but there is a division of opinion as to what authority should be responsible for its establishment and management. Dr. Macpherson's opinion is strongly in favour of management by one of the presently existing public departments, arguing that the duty would be too small to justify the creation of a special department, and by exclusion argues that the General Board of Lunacy is the best suited of the public departments to undertake the new responsibility, and his opinion is supported by the opinions of Mr. Motion, Dr. Carswell, Sheriff Fyfe, and Dr. McNaughton, though these witnesses do not go into the matter in the same detail; but Sir James Russell expresses a very decided opinion against the management of the proposed central asylum being given to the General Board of Lunacy, and strongly advocates the creation of an *ad hoc* board elected by parish councils for the purpose. I have carefully considered both views and satisfied myself that Dr. Macpherson's suggestion is the better one, as I am of opinion that the value of the expert knowledge of the General Board of Lunacy more than fully compensates for any possible disadvantages of adding administrative duties to the present inspectorial duties of that Board, and I accordingly suggest that the establishment and management of the suggested central asylum for the detention of mentally defective delinquents should be a duty of that Board. Motion, 21790. Carswell, 21920. Fyfe, 24699. McNaughton, 24973. Russell, 23650.

While seeing good reasons for advising that these mentally defective delinquents should be cared for and detained in an asylum established and managed by a Government Department, I also see a strong reason why the maintenance of the inmates should not be a charge on the Treasury, for if such were the case there would be an inducement to local authorities to neglect their cases, to let them fall into the hands of the police, and thus to get them cared for at the expense of the Treasury, instead of at local cost. The method of obviating that disadvantage of the scheme is obvious, and is that the cost of the maintenance of the mentally defective persons detained in the suggested central asylum should be a charge on the same authority as it would be if they were detained and treated in district asylums, and that is on parish councils. Such an arrangement would not only remove any possible inducement for parishes to neglect their cases, but would tend to promote the contrary, for the parishes would be in this position, if they cared for their cases themselves they would retain control over them, but if they neglected their cases, if their cases were found in prison and sent to the central asylum, they would still have to pay for them, but would have lost all control over them. The feasibility of such a scheme was put to Mr. Motion, the inspector of poor of the most populous parish in Scotland, a man fully cognisant of parish council opinions in general, and he stated that parish councils "ought to pay for them no matter where they are," and that "parishes would gladly pay for these patients in a State reformatory if they could get rid of them and get them cared for elsewhere!" Local payment to prevent abuse is, in my opinion, as essential a feature of the scheme which I venture to suggest as is the establishment of a special asylum to meet the special requirements of the classes now under consideration. Motion, 21792

The requisite size of a central asylum to meet the present requirements of the country is a matter which is extremely difficult, or indeed impossible, to estimate with confidence, but the matter received, so far as it goes, tends to show that the accommodation need not be very great. Dr. Sutherland estimates that there are in Scotland 2,500 mentally defective delinquents who require special provision, but his estimate is so far in excess of that of others that in all probability it is an over-statement. Dr. Macpherson, from observations made by himself in Edinburgh and Glasgow, assesses the number of mentally defective persons among habitual offenders at about 60 per cent., a figure indicating a total in Scotland of about 750 to 800. Mr. Crombie in his evidence gives the result of an inquiry made in the prisons in 1901, which inquiry showed that eighty-five such persons were found in prison during a period of six months. Dr. MacNaughton states that 4 per Sutherland, 24756. Macpherson, 21198. Crombie, 24852. McNaughton, 29463.

cent. of the prisoners in Perth Prison were such as required special observation as to their mental condition. And the local investigators who examined the prison population of Glasgow for the purposes of this Commission reported that they found thirty-five mentally defective persons, which in round numbers means about 2½ per cent. of the Glasgow prison population. From such widely varying figures I do not care to commit myself to any concise estimate, but I think I may go so far as to express an opinion that an asylum of from 200 to 400 beds should more than meet present requirements, at all events if the present method of sending cases of acute insanity which occur in prison into district asylums be continued.

Vol. VI., page 395.

The other essential for the satisfactory relief of these mentally defective delinquents is that their detention should not be terminable at the discretion of the medical superintendent, but regulated by some higher authority. A precedent for such a mode of detention exists in Section 89 of the Lunacy (Scotland) Act, 1857, and as the procedure described in that section appears to be admirably adapted to meet the wants of this special class of mentally defective persons, I think I cannot do better than suggest its adoption for this purpose. The procedure is quite different from that of an ordinary order for admission to an asylum, it does not require a double medical certificate based on observations some of which must be made at the time of examination, but instead requires a sheriff with the assistance of two medical practitioners to inquire as to the prisoner's mental condition, and to report to the Secretary for Scotland, and he, if satisfied that the prisoner is mentally defective, then orders his detention in the asylum, and the order is effective until such time as the Secretary for Scotland is satisfied that the person is sane, and in a fit state for discharge. This procedure is, I hold, better adapted to the requirements of these mentally defective delinquents than the ordinary order of reception, for while efficiently safeguarding the liberty of the subject, it obviates the technical difficulties of ordinary certification, and ensures that the care and protection provided shall continue as long as it may be required. I may add that this procedure is very similar to that advised for adoption by the Commission in England, for in Recommendation regarding England, LXXXIX., it is suggested that the consent of the Secretary of State for the Home Department should be necessary before the discharge of any mentally defective persons from an institution to which they may have been admitted from a court of justice or from a prison, or from a reformatory. The Commission's English Recommendations go a good deal further in dealing with these mentally defective delinquents than does my suggestion for the efficient dealing with them in Scotland, for the Commission's English Recommendation LXXXVIII., suggests that the detention of these persons should be ordered by the Home Secretary on medical certificate only, and without any judicial inquiry. Whatever may be the case in England I consider a sheriff's inquiry in Scotland would be advantageous, for it would not only more completely safeguard the liberty of the subject, but it would also help to obviate any doubt on the part of the parish councils as to the justification of the cost which would follow the order.

The above scheme for the treatment of mentally defective persons in Scotland, a State asylum, local payment, and detention during the Secretary for Scotland's pleasure, is designed to meet the requirements of those mentally defective persons found in prison whose mental defect is of a chronic or recurring form, but such a procedure is uncalled for in many of the cases of insanity found in prison, cases where the insanity is acute, and in which there is no prolonged history of repeated imprisonment. Experience has shown that the treatment of such acute cases is quite satisfactorily procured by the simpler method of transfer from prison to a district asylum under a warrant in terms of Section 6 of the Criminal and Dangerous Lunatics (Scotland) Act, 1871. In advising the retention of this Section 6 to meet the requirements of these more acute cases, I agree with the suggestion of the majority of the Commission as expressed in the latter part of their Scottish Recommendation XXXVI.

Macpherson, 21198.

There is a suggestion made in Dr. Macpherson's evidence to which I desire to draw attention, even though the matter may be outside the terms of reference to the Commission, and that is that the central asylum for the care and protection of mentally defective delinquents might with advantage be combined with the criminal lunatic asylum and with the State inebriate reformatory. The histories of the inmates of these three institutions may in some respects be different, but the inmates are all similar in that they are all mentally defective and in that they require very similar treatment, and I believe an amalgamation of the three institutions into one larger institution would be both economically and administratively sound.

In describing this scheme for dealing with the mentally defective persons found repeatedly in prison I have purposely avoided expressing any opinion as to whether the class of prisoner to be thus dealt with should include that class who may be described as morally mentally defective. From personal observation in prison I know that the cases who most urgently call for relief are cases who show unmistakable evidence of ordinary mental defect, and I feel sure that if they were cared for the present neglect would almost completely cease. I am not prepared to allow of the existence of pure moral insanity, insanity in which the moral sense is absent or altered, the other senses being intact, my experience being that in all such cases there is some symptom of insanity, or mental defect, over and above the alteration of the moral sense, but I am not in a position to deny that such a form of insanity is possible. However, if in future the existence of a moral insanity is accepted, the now suggested method of providing for the care and the treatment of mentally defective prisoners is such as would fully meet their requirements.

Mentally Defective Poorhouse Inmates.—I use this term to describe the third class of mentally defective person stated by Dr. Macpherson to be at present more or less neglected, and in doing so refer only to the inmates of ordinary poorhouse wards, and not to pauper lunatics in licensed poorhouse wards. The latter I exclude for two reasons, the one being that as they are being dealt with under the lunacy law they are outside the reference to the Commission, the other being that there is no reason to doubt but that they are being properly treated.

In Scotland, treatment in an ordinary poorhouse ward is not one of the authorised methods of dealing with mentally defective persons, and to prevent ordinary poorhouse wards being used for that purpose, every pauper before admission to those wards must be certified by a medical practitioner not to be lunatic or insane, or idiot or of unsound mind. But from the personal observation of the members of this Commission, from the evidence of the witnesses, and from the report of the local investigators, there can be no doubt but that in practice this exclusion of mentally defective persons from the ordinary poorhouse wards fails, and that a very considerable number of mentally defective persons are provided for in these wards. As evidence in support of this contention I may quote that of Dr. Macpherson, Dr. Leslie Mackenzie, Mr. Motion, and Mr. Barclay.

Macpherson, 21198. Mackenzie, 23272. Motion, 21707. Barclay, 23428, 23460.

That mentally defective persons are dealt with in unauthorised manner may be attributed to two facts, the one being that the certificate on admission is faulty, the other being the absence of medical inspection to secure that this, the exclusion, is given effect to. In the certificates of suitability of a pauper for admission to the ordinary wards of poorhouses, there is required a categorical answer to the question: "Is applicant or any dependent 'lunatic, insane, idiot, or of unsound mind,'" and it is pointed out on the certificate that "No person so described can be legally sent to, or received in, a poorhouse, unless it possesses licensed lunatic wards, and then only with the sanction of the General Board of Lunacy." The certificate is intended to exclude certain classes of persons from the poorhouses, but the instruction appended to the certificate indicates how that restriction can be avoided, for the certificate is to be founded on the *description* of the person rather than on the *condition* of the person, and nothing is easier than that to describe mentally defective persons by other than the forbidden terms. I know that course to be adopted, and that persons are admitted into poorhouses who are undoubtedly of unsound mind, but who are not *described* as of unsound mind, but who are *described* as feeble-minded, as weak-minded, or as suffering from mental debility or from mental asthenia, or by some other of the many possible evasive terms.

Barclay, 23428.

The absence of medical inspection in poorhouses is a matter referred to in evidence by Mr. Barclay and by Dr. Leslie Mackenzie, and without some skilled inspection, there can be no assurance that the illegal detention of persons of unsound mind in poorhouses is not taking place.

Mackenzie, 23339. Barclay, 23505.

There can be no doubt but that the ordinary wards of poorhouses are not suitable places for the treatment of mentally defective persons, the obvious objections being:—

(1) The absence of power of detention when the inmate demands discharge.

(2) The hardship which the close association of the sane and insane inmates, in the same institution entails on the sane inmates; and

(3) The absence of control by the General Board of Lunacy.

The necessary amendments to secure that the wants of this class of mentally defective person are more fully met in the future than they have been in the past are :—

(1) Efficient medical inspection of poorhouses to ensure that persons of unsound mind (or mentally defective persons, the terms are synonymous) are not admitted or detained in the ordinary wards of poorhouses. The majority of the Commission advise that this duty be imposed on the General Board of Lunacy, and with that Recommendation I concur, that Board doubtless being the most efficient inspectorial authority for the purpose. To make the inspection effective, the Board should have power to order the transfer of mentally defective persons from workhouses into suitable institutions, such as asylums or licensed wards.

(2) An alteration of the form of certificate required before admission of a pauper to a poorhouse, abandoning the present unsatisfactory terminology and replacing it by a comprehensive term applicable to all forms of mental defect.

I do not consider it necessary to advise any new method of dealing with this class of mentally defective person, as I am of opinion that the Scottish lunacy administration is already sufficiently elastic to meet their requirements. The provision of care by treatment in an asylum, or by treatment in licensed wards, or by boarding-out, should meet the requirements of them all. Mr. Motion has suggested labour colonies as a requisite for the proper provision for this class, but I cannot agree with him, as I cannot see any difference between the hypothetical labour colony and certain departments of the Scottish asylums and licensed lunatic wards. The farms attached to the Glasgow District Asylum at Lenzie, to the licensed lunatic wards of New Monkland Poorhouse, are in no way essentially different from the hypothetical labour colony, and as such farms can be provided under the present lunacy administration I see no reason for advancing the establishment of them as a new and separate method of dealing with the insane.

Motion, 21645.

I cannot leave the subject of the treatment of mentally defective persons in the ordinary wards of poorhouse without making some reference to one exceptionally pitiable class referred by several witnesses, and that is mentally defective girls and young women who are unable to care for themselves, whose mental weakness is taken advantage of by unscrupulous men, and who irresponsibly become the mothers of families when they are both unable and unfit to take charge of children. From the evidence submitted there is no reason to suppose that this class of case is frequent, but that it exists is undoubted, and its existence is a very strong argument in favour of making some change such as these now suggested to secure that all mentally defective paupers are efficiently protected. In my opinion the above suggested amendments would efficiently meet the requirements of this class. The recorded cases are practically all poorhouse cases, and were proper treatment for all poorhouse mentally defective inmates insisted on as now suggested these mentally defective mothers along with other mentally defective persons would, be provided for and protected.

Habitual Inebriates.—These form the fourth group of mentally defective persons described by Dr. Macpherson as at present more or less neglected, but he qualifies their inclusion in a separate group by stating "that the distinction which is drawn between them and the classes I have already referred to (mentally defective persons in prisons and in poorhouses) appears to me to be an artificial one," and that among them "alcoholism is but an incident—an important one certainly—but not the main factor in the majority of the cases." He gives some instructive cases in support of that opinion. The habitual inebriates he referred to are the more extreme cases, cases such as are found habitually in prison, and are occasionally provided for under the Inebriates Acts.

Macpherson, 21198

The general trend of the Scottish evidence, and indeed also of the English evidence, has been to support his contention that the essential condition of habitual drunkards, and the condition which necessitates special care and control, is mental defect. Sheriff Fyfe, in his evidence, stated: "My own opinion is derived from my observation of the people that I have committed to an inebriate reformatory, and it is that a good many of them, if perhaps not the whole of them, were fit subjects for an asylum." Dr. Carswell describes the majority of habitual inebriates, and more especially those who become "habitual" while still in the adolescent period of life, as feeble-minded or confirmed neurotics. Dr. Donald states that after careful study of the condition he has concluded that inebriety and narcomania are mental diseases, and that inebriates are mentally defective. And both Dr. Cunningham and Dr. McNaughton have given similar opinions.

Fyfe, 24702.

Carswell, 21858.

Donald, 24516. Cunningham, 24548. McNaughton, 25026.

The constant, or practically constant, association of habitual inebriety with mental defect may be accepted as an established fact, and as such indicates the nature of the statutory provision required to meet the necessities of habitual inebriates, and that is that the statutory provision for them should be similar to that for other classes of mentally defective persons. Thus cases of habitual inebriety whose circumstances are such as to demand relief at public cost, whether with a view to cure or with a view to protection and control, should be a charge on the same local authority as is responsible for the provision of relief for other classes of mentally defective persons, namely, the parish councils; when the parish councils for any reason fail to provide the necessary care and control for habitual inebriates, and they become public nuisances, and are frequently in and out of prison, they should be committed to a central asylum, and there detained at the cost of the parishes; and when their circumstances are such as not to necessitate public relief, those specially interested or responsible for them should have power to procure an order for their admission to an institution suited to their treatment, and for their detention in such an institution for as long as may be required.

Any division of responsibility in this matter, such as would result in one authority being responsible for the care of habitual inebriates and another authority responsible for the care of other classes of mentally defective persons, would inevitably result in the defeat of the much to be desired object, the provision of care and control for all mentally defective persons whose circumstances necessitate care and control, for if parish councils were not responsible for the care and control of these mentally defective persons who are of drunken habits and who might be styled inebriates, constant difficulties of allocation of cases between the parish councils and the other authority would arise, and the parish councils would be supplied with an ever ready excuse for failing to provide for a large number of necessitous mentally defective persons. In dealing with mentally defective delinquents and with mentally defective "poorhouse ins-and-outs" the adoption of this principle, the same authority to be responsible for the provision of care for habitual inebriates as is responsible for the provision of care for other mentally defective persons, is essential; for among them the discrimination of the cases to be provided by the one authority from those to be provided for by the other authority would be an impossibility.

Many of the Scottish witnesses have spoken as to the necessity of some means of securing that proper care and control be provided for the worst of habitual drunkards, both of cases which must become a public charge and of cases which can be provided for privately, and I believe the above suggested scheme generally meets the opinions expressed by them. Among such witnesses I may mention Dr. Macpherson, Mr. Motion, Dr. Carswell, Mr. Barclay, Dr. Urquhart, Dr. Donald, Dr. Cunningham, Sheriff Guthrie Sheriff Fyfe, and Dr. Sutherland.

Macpherson, 21198.
Motion, 21242.
Carswell, 21858.
Barclay, 23488.
Urquhart, 24435.
Donald, 24516.
Cunningham, 24548.
Guthrie, 24592.
Fyfe, 24659.
Sutherland, 24756.

And I may add, that although differently worded, my suggestion is essentially the same as that implied by the Commission's Scottish Recommendation XXXV., and that therefore in this matter I am in agreement with the majority of the Commission.

Other Desirable Amendments.—Over and above the special provision for the four classes of mentally defective persons described by Dr. Macpherson as at present more or less neglected, there are a few other matters arising from the evidence which deserve special consideration.

Epileptics are a class of persons who frequently, though not invariably, are mentally defective, and at least two witnesses, Dr. Ireland and Dr. Thomson, have drawn attention to their special requirements, and there can be no doubt but that some of them are at present not receiving proper care and treatment. I, however, see no good reason for advising any separate provision to be made for them, as I believe that if the foregoing Recommendations are given effect to their requirements should be fully met. If epileptics are mentally defective they should be relieved on account of their mental defect, being dealt with in imbecile training schools, or in asylums, or in licensed wards, or by boarding-out, but if they are not mentally defective then their relief should be similar to the relief of other persons suffering from physical infirmity, in poorhouses, or in parish or other hospitals.

Ireland, 23992.
Thomson, 24381.

The lunacy certificate will require some change in form to meet presently existing limited conception as to the meaning of the term "lunatic," and I agree with the majority of the Commission that the term "mentally defective" should be used in the certificate

in place of the term "lunatic." I, however, disagree with the majority of the Commission in advising that the term "mentally defective" should be defined by compartments, but hold that it should be defined in a comprehensive manner. But in this matter I need not repeat my opinions as they are fully set out earlier in this Memorandum, in the portion of it dealing with the Commission's English Recommendations.

The protection of medical certifiers against unreasonable and vexatious prosecution is another matter which I consider essential to the success of a scheme for securing that proper care and control be provided for all these mentally defective persons who require care and control. It is a matter dealt with in the evidence of Sir James Russell, who points out the difficulties that exist at present in getting certain cases certified on account
Russell, 23650. of the risk of vexatious actions to which medical certifiers are exposed. The difficulty he points out is undoubtedly a real one, and for the freer use of the certificate in future, for the applicability of the certificate to all cases of mental defect who are in requirement of care and control, it is essential that this difficulty should be removed. Obviously this can only be brought about by protecting medical men against unreasonable actions for opinions stated in the certificates. This is no new principle, the 1890 English Lunacy Act gave them some protection, and the Commission advises that in England those acting in a public capacity should be further protected by bringing them under the Public Authorities Protection Act, 1893, and I hold that protection in sone form should be given them in Scotland. Sir James Russell suggests as the best means of protecting medical practitioners against these actions, that the consent of the Lord-Advocate should be required before any action against a medical certifier for any statement made in a lunacy certificate be brought into court, and with his suggestion I concur.

Dr. Ireland, in evidence, drew attention to the fact that in Scotland the General
Ireland, 23992. Board of Lunacy has no power to license imbecile training institutions other than those established by philanthropic associations, and that the want of such power prevents medical men from establishing such institutions for the care and training of the mentally defective children of the well-to-do classes. This, though perhaps a small matter, is one well worthy of correction, because every possible facility should exist for the proficient care and training of all such children, and I suggest that the General Board of Lunacy be given the necessary power.

If the Commission's English Recommendations are adopted, English local authorities will receive an increased grant from the Treasury to assist them in fulfilling their duty towards mentally defective persons. If that is done, doubtless an increased grant will also be given to the Scottish local authorities for the purpose. I refrain from discussing the intricacies of what the exact form of that increased grant should be; but I desire to express the opinion that it should be sufficiently generous to be an inducement to parish councils to treat all mentally defective persons in institutions suited for their requirements rather than in the ordinary words of poorhouses, and that it should be such as the poorer parishes might get exceptional assistance. The Commission in the chapters of the Report dealing with England have referred to the removal of senile dements and of some other mentally defective person from poorhouses to asylums as an abuse of public funds, and one dependent on the present English system of State subsidy for lunatics treated in asylums only, but from that opinion I dissent, as I hold that one of the good purposes to be served by subsidising the legitimate methods of treatment of mentally defective persons and of not subsidising their treatment elsewhere, is to encourage their treatment in approved manner, and in approved manner only, and I fail to see why demented persons of old age should not have the same nursing and other advantages as mentally defective persons of younger age. I fail to see how ordinary poorhouse treatment should be held to be good enough for the one class, but not good enough for the other.

In Scotland inspectors of poor are required to report to the General Board of Lunacy when they fail to provide within a few days for any lunatic for whom application for relief has been made, but this duty on account of the present definition of the term lunatic (a person certified by two medical practitioners to be lunatic, insane, idiot, or of unsound mind) restricts that duty to reporting only those cases who are doubly certified but not provided for. These Reports are of value in that they give the General Board of Lunacy a chance of intervening in case of the failure of the parishes to provide relief should that Board see fit to do so, and I am of opinion that the restriction, the limitation to certified cases only, should be removed. I would accordingly suggest that it should be a duty of inspectors of poor to report to the General Board of Lunacy all cases in which they

have received application for relief on the grounds of mental defect, but have for any reason not provided that relief, no matter whether the mentally defective persons were certified or not. In suggesting this I am in agreement with the majority of the Commission, for in their Scottish Recommendation X. a similar suggestion is made.

The constitution of the General Board of Lunacy is a matter which is not included in the reference to the Commission, and I do not intend to discuss it, but I desire to draw attention to the fact that if either the scheme of amendment embodied in the Commission's Scottish Recommendations or the scheme of amendment described in this memorandum be adopted, there will be a very large increase of duty put on that Board, and that the appointment of an additional medical Commissioner will be required. The small expense which that appointment would entail would be a very small price to pay for the advantage to be gained from efficient medical inspection of poorhouses, and skilled management of a central asylum.

The scheme of amendment which I venture to suggest as an alternative to that suggested in the Commission's Scottish Recommendations, and which I consider not only less extreme but also better fitted to secure that care and protection and control be provided for those classes of mentally-defective persons in Scotland who at present are improperly cared for, or not cared for at all, may be summarised as follows:—

(1) That parish councils should be responsible for the provision of care, treatment, and control of mentally-defective children as they now are for the care and treatment of adult mentally-defective persons.

(2) That the provision of imbecile training institutions should be a duty of the district lunacy boards as it is now a duty of those boards to provide asylums for adult mentally-defective persons, and that for reasons of economy the provision of these training schools should be by those boards in combination and not separately.

(3) That there should be a central asylum for the reception of mentally-defective habitual offenders, the management to be by the General Board of Lunacy, the cost to be borne by the parishes of the mentally-defective persons there treated, the procedure of admission to be that described in Section 89 of the Lunacy (Scotland) Act, 1857, and that for reasons of economy and good management this asylum might be combined with the criminal lunatic asylum and with the State inebriate reformatory.

(4) That care, treatment, protection and control be provided for habitual inebriates by the same authorities and under a similar procedure as the care, treatment, protection and control of other mentally defective persons is now provided.

(5) That the term "lunatic" be taken out of the lunacy certificate and the term "mentally defective" inserted in its place, the latter term being defined as "applicable to all persons afflicted with mental defect, whether that defect be congenital or acquired; whether it be due to disease, or to age, or to any other cause; whether it be acute or chronic; whether it be curable or incurable; and whether it be such as might be described as lunacy, or idiocy, or unsoundness of mind, or imbecility, or feeble-mindedness, or by any other name indicating mental unsoundness, or mental disorder, or mental incapacity, or mental infirmity."

(6) That medical certifiers should be protected from vexatious prosecution, and for this purpose that no action against a medical practitioner for any opinion expressed in a lunacy certificate should be brought before a court without the consent of the Lord Advocate.

(7) That it should be a duty of the General Board of Lunacy to inspect the ordinary wards of poorhouses and order the transfer of any mentally defective persons found in them to institutions suited to their requirement.

(8) That the General Board of Lunacy should be given power to license private institutions for the care and training of imbecile children.

(9) That an additional medical lunacy commissioner be appointed to enable the General Board of Lunacy to efficiently overtake the increased duties.

(10) That inspectors of poor be required to report to the General Board of Lunacy all cases in which they have received applications for relief of mentally defective persons and have not provided that relief, no matter whether the mentally defective persons be certified or not.

(11) That the Treasury Grant towards the cost of maintenance of mentally defective persons when treated in an approved manner be sufficiently generous to be an inducement to the parishes to treat those persons in approved manner only, and be such that exceptional assistance can be given to poorer parishes on which the lunacy assessment is exceptionally onerous.

(Signed) JAMES C. DUNLOP.

MEMORANDUM BY MR. H. D. GREENE, K.C.

I.—AS TO PARAGRAPH 469, AND RECOMMENDATION XCV.

1. I do not agree to abstain from making a definite pronouncement on what I consider to be one of the most important points disclosed by the evidence, viz., the state of the law as to the protection of the mentally defective from the sexual allurements and attacks of vicious persons.

2. The Warrant directed that: " In view of the hardship or danger resulting (amongst others) to feeble-minded or defective persons not certified under the Lunacy Laws and to the community from insufficient provision for their ' care ' a Report should be made as to the amendments in the law and other measures which should be adopted in the matter."

It appears to me to be well within the mandate and by no means " to lie outside our main arguments " for a clear and certain opinion to be expressed as to whether the law does or does not provide due protection for these persons against sexual crime and immorality, and if necessary to offer suggestions for its amendment. It is a matter which I hold essentially relates to their " care " and deserves and certainly requires something more than mere incidental reference.

" Care " includes protection by every means from danger of every kind, and cannot be limited to the means of control, education and maintenance. One kind of protection that can be afforded is punitive preventive protection, by means of an improvement of the Criminal Law. This may not and probably would not give complete protection, since undetected and unpunished crime must always exist, but it might be valuable as an auxiliary, and would often be effective as a deterrent. Admitting that it is not desirable to turn all sins into crimes, yet it can hardly be claimed that the moral and physical degradation of weak and unintelligent persons by those of sound mind and understanding is a matter in which the State may not justly interfere with a very strong hand.

The Statute Law supplies the moral standard of many people, who regard as permissible whatever is not prohibited. For such as these a positive and unqualified prohibition with punitive sanction is absolutely necessary.

3. So far as they go, I do not dissent from this Paragraph and this Recommendation. I do not object to exalted officers of State having their attention called to the evidence and being invited to consider " whether the existing law provides adequately for the protection of mentally-defective persons against sexual crime and immorality," but I do object to transfer to them the responsibility which it seems to me has been placed on this Commission of advising whether or not the law is sufficient. The exact form and extent of any remedial legislation doubtless requires careful consideration by those who initiate it, but I claim that it is the privilege of this Commission to estimate the evidence and offer a positive opinion as to whether legislation is or is not required.

Although the matter is of great importance it is not of such complexity or profundity that it can only be determined by the Lord Chancellor and the Secretary of State, and I am sanguine enough to hope that success might attend an appropriate measure even if it was not introduced into Parliament by a member of the Government. It involves no party question. No proper freedom would be curtailed. All classes would be benefited.

4. A greater number of witnesses, I believe, gave evidence on this matter than on any one topic in the whole inquiry. Upwards of thirty persons coming from England, Scotland and Ireland supported the opinion that the criminal law does not sufficiently protect the purity of feeble-minded persons, especially

females. Nor is it alone the volume of the evidence that deserves attention, but the weight of it also. The opinions of such well-known societies as Dr. Barnardo's Homes, the Metropolitan Association for Befriending Young Servants, the National Society for the Prevention of Cruelty to Children and the Salvation Army were conveyed to us by their representatives.

Local government and Lunacy officials, members of Education Committees and Boards of guardians, Magistrates, Medical men, Prisons and Asylums officers, Social workers, lay and clerical, male and female, also bore their testimony. The accumulated force of this evidence, I think, puts beyond all doubt the urgent need, on Moral, Religious, and Social grounds, for legislation to protect the purity of these people, though as to the precise form it should take some diversity of views naturally exists.

5. Apart from the opinions of these witnesses there is one extensive branch of the evidence upon which any one may form an opinion, viz., as to the expediency of legislation on economic grounds in relief of the ratepayer. I refer to that which deals with the production of illegitimate children by idiot, imbecile and feeble-minded parents and the expense of their maintenance by the public. If the law distinctly made it a punishable offence for any sound-minded individual to have immoral relations with such persons there might, I submit, be some hope of reducing a revolting and costly scandal. I am not unmindful of the difficulty of always enforcing such a law owing to the occasional inability of the outraged party to give evidence in court or the delay in discovering the injury or in identifying and tracing the culprit, but that prosecutions may not always succeed is not a sound reason for not passing a prohibitive and protective law.

The number of illegitimate children, the offspring of feeble-minded parents, who are themselves provided for at enormous public expense, and whose children grow up to be throughout their lives an additional burden to the State, constitutes an evil of intolerable magnitude.

It was not possible to obtain reliable statistics, either of the number or the cost of them, but the facts revealed in the evidence and in the reports of the Medical Investigators indicate that the figures would be startling.

Vol. I., p. 312. 6. I will take a few illustrations from both sources. Sir Edward Fry says :—

"Everyone knows that a large number of the mothers of illegitimate children are of weak intellect; that their issue are frequently of the same type."

"One of the Poor Law inspectors saw in a workhouse in Somerset an imbecile woman with an illegitimate imbecile daughter who had her own illegitimate daughter in her arms. Precisely the same picture has been seen in the county of Cornwall, and these are but pictures in small of a fact which is to be seen in many of our workhouses.'

Vol. I., p. 132. Mr. Bagenal, a Local Government Board inspector, says :—

"Feeble-minded women are particularly open to the seductions of men. They seem to be deficient in will power and the power of resistance to attacks upon their virtue. In some the moral sense is altogether absent. The consequences we see in the frequency of this class in the lying-in wards of the workhouse."

Vol. I., p. 500. Dr. R. Turner states that out of 127 children in homes for feeble-minded children, 19, that is 14·9 per cent., were illegitimate.

Vol. II., p. 223. Mrs. Wills and many others confirm this evidence.

Vol. III., p. 201. 7. As to Scotland, Dr. Clouston, Physician Superintendent of the Royal Edinburgh Asylum, tells us :—

"I have come to the conclusion that such persons in a large city are subject to overwhelming temptations and pressure towards sexual immorality. I find, as a matter of fact, that it is an exception for any of them not to have been sexually tampered with among a certain class of society. Many of them have had illegitimate children, and this often at very early ages. One had seven such children. I look on this source of immorality as an extremely grave one in our social life. In a way it is more disgusting and degrading than prostitution or sexual lapses through passion. When illegitimate children are borne by such young women, the chances are enormously in favour of their turning out to be either imbeciles or degenerates or criminals."

Vol. III., p. 246. 8. Dr. Sutherland, Deputy Commissioner in Lunacy in Scotland, referring to the connection between illegitimacy and imbecility and feeble-mindedness says :—

"That there is a close connection between the two I have personally, in my sojournings up and down the land, had abundant evidence, corroborated by interviews I have had with inspectors of poor who have to contend with both evils, which are costly to parishes, especially to the poorer

parishes in which it is most in evidence. Again and again I have seen in the same district, and even under the same roof, three generations of "soft" or "feeble-minded" women with illegitimate broods, some of whom are imbecile or "soft" or feeble-minded. No doubt the environmental factor counts here for something, but the real factor is the feeble-minded state of the women, lost to and evidently not possessing any real sense of shame, and regardless of the life-long burden to themselves and to the parishes. Among these broods of illegitimate children there is, in proportion, a vastly larger number of imbecile and feeble-minded children met with than among the offspring of normal and healthy wedlock. These remarks have reference to the inveterate, not so much to the accidental rearers of illegitimate children, and there are generations of the former who are not in the true sense bad or immoral, but are lacking in resistive power, and incapable of forming a proper estimate of the ethical wrong done to society and themselves. One *faux pas* is intelligible, and if all the circumstances were known, perhaps excusable; but repeated breaches of the moral law, and all the hardships it entails on the woman, not to speak of society, is suggestive of feeble-mindedness of the female parent. The feeble-minded male is not an offender in this respect; it is the female taken advantage of by unscrupulous men, and the female who is actively erotic."

9. Dr. Barclay, General Superintendent of Poorhouses, Edinburgh, testified :— Vol. III., p. 163.

"There are women who have had several illegitimate children, and who are of low mental type and facile disposition. I may note a case where I had recently to examine a woman of this class. She is known to have had ten illegitimate children. She can neither read nor write. She could not tell me, counting on her fingers, how many children she had. In this same poorhouse there is a feeble-minded mute who has had seven illegitimate children. Another illegitimate woman has had ten illegitimate children; her eldest daughter is following in her footsteps, and two of the young children (twins) show signs of weakness. In another small poorhouse with nineteen female inmates, thirteen were infirm and sick, four were epileptics, and three weak-minded; one of the latter has had three illegitimate children, and all the three women are not allowed out as they are sent there for protection. In another small poorhouse there are five women. Two sisters, one weak-minded, have three illegitimate children each—one to a near relative. One woman is a deaf and dumb mute of low intelligence, and two are infirm. I may mention the case of a woman now in a small poorhouse suffering from disease. She has an ungovernable temper, and is destitute of any feelings of modesty. Her husband is also in this poorhouse, a mental and physical nonentity. Her father put her out of the house one night for her bad conduct, when she was sixteen years of age, and this man, who was passing at the time, took her to his house and married her. She has had six children, and has been prosecuted for neglecting and ill-treating them.

"My experience leads me to say that the class of women who come to our poorhouses with more than one illegitimate child are generally of feeble mind."

The same witness thus describes the mental condition of women in two of the smaller poorhouses :— Report, Par. 951.

"These women, twenty-two in number, had had eighty-eight illegitimate children. Of the mothers all were feeble-minded except five, and these were described as low and coarse, father weak-minded."

10. The Memorandum on the Reports of the Medical Investigators and the Reports themselves more fully convey an idea of the extent of this evil, but I will only refer to that of Dr. Tredgold of Somersetshire, and two others He says :— Reports of Investigators, p. 235.

"The only aspect of this question which I shall consider is the propagation of children by women who are actually feeble-minded."

Then follows a table showing that from a group of 165 feeble-minded women sixty-one children were born. Of these nineteen were legitimate and forty-two illegitimate.

"This table," he says, "shows two striking facts; first that nearly two-fifths of the total number of feeble-minded women have given birth to children; and, secondly, that two-thirds of these are illegitimate. I think these facts are sufficient to justify the view that these women are particularly in need of efficient control. In some instances they undoubtedly have pronounced erotic tendencies, but more often this state of affairs is due to the fact that they are of facile disposition, which makes them a ready prey to the first sexually disposed man with whom they come into contact. Often they have no sense of either modesty or ordinary decency, and one girl of this class I met (who had four children) was systematically made use of in this way by her mother in order to procure the latter drink. Indeed, many of the particulars ascertained in this connection are too revolting for publication."

Dr. Melland, of Manchester, remarks :—

"They (the feeble-minded) are perfectly free to leave the workhouse at will, and when it is borne in mind how many young women who have already had illegitimate children there are amongst them it will be recognised what grave risk there is in both sexes of the further propagation of their defect." *Id.*, p. 170.

Dr. Pearse, Wiltshire, says :—

Id., p. 257. "Many young women of this type (mentally incapable) enter the lying-in ward of the work-house and there remain as inmates."

11. These extracts give rise to many serious reflections, and not the least Important of them is concerned with the economic aspect of the problem. In the face of them, it seems to me impossible to argue that profligacy which entails such expense on the community should not be made a readily punishable offence. If the probability of punishment will act as a deterrent, and check the production of degenerates, it is manifest that the prevention of the evil will be economically better than having to mitigate its effects.

12. The inference I draw from the evidence is that mental defect which is found to prevail so largely amongst illegitimate children is to be attributed to the feeble-mindedness of one or other of the parents, but usually to the mother. Although such children are usually born amid the surroundings of privation and shame such conditions are not proved to be the cause of mental defect. My view as to this is confirmed by my being in a position to state that in the Foundling Hospital, where there are maintained upwards of 620 illegitimate children ascertained to be the first offspring of mentally capable women, not more than $\frac{1}{4}$ per cent. would be termed idiot or imbecile, and not more than 1 per cent. are such as would be classified as feeble-minded or dull. Although I infer that the mental defect is usually on the mother's side, I am persuaded that the erotic tendencies of mentally-defective males renders them such a source of danger that their protection also should not be overlooked if any alteration is made in the criminal law.

13. Two points arise for consideration :—

(1.) What is the present law ?

(2.) What should it be ?

As to (1).—Lunatics, idiots and feeble-minded people, of course, have the same protection for their persons from assaults, and acts not consented to, etc., as those who are not so afflicted.

But beyond this there are two special statutory provisions, viz. :—

48 & 49 Vic., c. 69. (*a.*) By the Criminal Law Amendment Act, 1885, it is a misdemeanour to have carnal knowledge or to attempt to do so of any female idiot or imbecile woman or girl under circumstances which do not amount to rape, but which prove that the offender knew at the time of the commission of the offence that the woman or girl was an idiot or imbecile.

There is no definition of "idiot" or "imbecile" in the statute, but the onus is thrown on the prosecution of proving that the offender knew that the female was an "idiot" or "imbecile." Persons whose defective mental condition falls short of whatever these words may mean are not protected. In an Irish Court the words have been interpreted to refer only to persons congenitally weak-minded. If the prosecution fails to prove the offender's knowledge the charge fails. Experience shows that this onus is often a difficult one to discharge.

14. Women and girls too helpless to earn their living—whose minds would not be deemed capable of entering into a binding contract of a trivial character—whose marriages might be annulled, and whose wills would be invalidated, may be defiled and even become the mothers of children, for neglecting to support whom they may be punished, while their assailant or tempter is suffered to satisfy his lust with impunity unless the prosecution can convince a jury that he knew she was an "idiot" or "imbecile !"

Surely a state of law under which it is so difficult to prevent such persons from being taken advantage of by those who are sound and strong in mind falls short of the standard of humanity which this country should set up !

15. It has been suggested that : "You could not possibly punish a man for taking advantage of an imbecile woman unless he knew she was imbecile."

Vol. II., p. 66. "You cannot go against the general principle of the whole of English legislation."

The answer to such an argument is obvious. If a person capable of knowing that the probable consequences of his immorality would be harmful both to an individual and to the community chooses notwithstanding to misconduct himself he must take all the risks. No man has a right to complain if as a result of his misconduct punishment falls upon him. It is for him to ascertain if a woman is mentally defective before he seduces her. If he likes to risk it so much the worse it may be for him. If both parties are capable of intelligently consenting to immoral conduct their equality of guilt if the community is not put to expense may be a reason for not punishing either of them for acts which many regard as only sin. But where owing to mental disparity there cannot be equality of guilt in a joint transgression the one who is mentally capable, and therefore certainly is to blame, may not unjustly be made to suffer alone for the injury caused to the individual and the loss inflicted on the community.

That a male parent may be ordered to make a payment towards the support of his illegitimate offspring by a feeble-minded woman is not a sufficient punishment. He might be compelled to do this if the mother possessed mental capacity and understanding equal to his own. Everyone should be taught that it is a serious offence for a person of sound mind to violate the purity of those whose deficiency puts them at a disadvantage and who require protection both against him and against themselves.

16. The second special statutory provision is as follows :—

> (*b*) By the Lunacy Acts, 1890–1, it is a misdemeanour if any manager, officer, nurse, attendant, or other person employed in any institution for lunatics (including an asylum for criminal lunatics) or workhouse, or any person having the care or charge of any single patient or any attendant of any single patient, carnally knows or attempts to have carnal knowledge of any female under care or treatment as a lunatic in the institution or workhouse or as a single patient ; and no consent or alleged consent of such female thereto shall be any defence. 53 & 54 Vict. c. 5, s. 324.

This does not apply to officers and patients in idiot asylums. It is only directed against officials of certain institutions and persons actually having charge of or attending upon single patients. The defence of consent may be set up by any offender unless he belongs to the enumerated limited class.

As regards both (*a*) and (*b*) it may be observed that the acts of impropriety made punishable are very narrowly restricted and are not inclusive of much impure conduct to which such persons of both sexes may be and often are subjected.

I hold that these provisions are totally inadequate.

17. *Now as to* (2).—What should be the law ?

I think an answer is to be found in the precedents of the criminal law concerning offences upon children of tender age who presumably cannot give an intelligent consent or who, on grounds of public policy, ought not to be allowed to consent to their own defilement. Their immaturity, their inexperience, and their weakness of mind or body call for protection, and the law in response imposes upon them a statutory disability to give their consent.

Thus in 1880 it was provided that :—

> "It should be no defence to a charge of indecent assault on a young person under the age of thirteen to prove that he or she consented to the act of indecency." 43 & 44 Vict., c. 45, Sec. 2.

Five years later the Criminal Law Amendment Act was passed for the purpose of protecting women and girls against themselves. At the time it was passed there was a discussion as to what point should be fixed as the age of consent. That discussion ended in a compromise, and the age of consent was fixed at sixteen. A girl under that age was treated as so immature in mind as not to be capable of consenting to carnal knowledge or the attempt to commit it. The presumption of inability to consent was carried so far that it was not even made an offence for a girl under sixteen to abet or incite a male person to commit the crime with her. R. *v.* Tyrrell 12 Q.B.D., 710. 48 & 49 Vict., c. 69.

Under this Act the unlawful carnal knowledge of any girl under thirteen years is felony, while the attempt to commit it is misdemeanour. If over thirteen and under sixteen the same unlawful conduct is a misdemeanour but with this proviso :—

> "That it shall be a sufficient defence to the charge if it shall be made to appear to the Court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe that the girl was of or above the age of sixteen years."

The effect of this is to throw the onus on the accused of satisfying the jury that he had reasonable cause to believe that the person he had outraged was over the age of disability to give consent. The word unlawful points to criminal abuse. The section does not apply to the marital relation.

18. The power of consenting to unlawful defilement which on the grounds stated has been taken from girls under sixteen should, I suggest, be taken from feeble-minded persons of all ages. The reason for such a law is the same in the cases of infants in age and infants in mind—of the child and the childish.

Upon this point two questions arise.

(1) How is the feeble-mindedness to be ascertained, and what is to be the measure or extent of it ?

(2) (*a*) Should the onus rest on the prosecution to show that the accused knew of the mental defect ?

(*b*) Or should the onus rest on the accused of showing that he had reasonable cause to believe that the female was not mentally-defective or feeble-minded ?

(*c*) Or should the knowledge by the accused of the sufferer's mental state be as immaterial to the inquiry as his knowledge is of the age of a child under 13 who has been assaulted ?

19. *As to* (1).—At present the idiocy or imbecility of the person injured is determined by the jury on the evidence presented either after seeing or even without seeing the alleged imbecile. Certification is not essential. In future anyone who under the law in force at the time is in fact certified, should *ipso facto* be absolutely protected. Any woman also who is certifiable or of such weakness that under the will of her aggressor there was no fair chance for her, or if she is incapable of resisting pressure, of exercising an act of her own will, or of properly giving or withholding her consent should be statutorily disabled from giving it. The production of the certificate should be sufficient proof where the victim is certified and where not certified evidence of mental defect should be given as at present.

20. *As to* (2).—There is some difference of opinion on these questions (*a*) (*b*) and (*c*), but the inclination was to hold that the law should be assimilated to the provision for the protection of girls over thirteen and under sixteen, and that the accused should in cases where uncertified persons have been tampered with, have a sufficient defence if it should be made by *him* to appear to the court or jury that he had reasonable cause to believe that the female was not mentally-defective, etc., so as to be subject to the statutory disability to consent.

As prisoners on their trial may now give evidence it is perhaps better that such a defence should be open to the accused in non-certified cases, and that thereby the whole of the circumstances may be elicited. At all events, it may be best to strengthen the law gradually until public opinion accepts the true principle, viz., the absolute and unqualified protection of the weak from the passions and power of the strong.

Persons who have been certified, and who for the purpose of protecting their property and controlling their person are supposed to be under the protection of the law, and are somewhat in the position of Wards of Court, should be inviolate and apart from any question of knowledge of their mental

state the aggressor should be punishable. Under our suggested scheme there will be many more persons certified, and they should be guarded from evil, whether they are in Asylums, Homes, Institutions, Boarded-out or even resident with relatives.

21. I do not see why an amendment of the law should be deferred until the Lunacy laws are reformed or until fresh measures for educating and maintaining mentally-defective persons have been adopted. The arm of the criminal law should be promptly raised to shield as far as possible those whose mental weakness makes a mute appeal to manhood and whose pitiable condition ought to provoke pity rather than produce passion.

I, therefore, as a first step recommend that: The criminal law should be extended so as, irrespective of sex or age over thirteen, to impose :—

(1) On all persons certified or certifiable as mentally-defective or as of unsound mind (including lunatics, idiots and imbeciles) and also on persons too weak in mind or will to withhold consent—a legal disability to consent to unlawful acts of personal impurity of any description ; and :—

(2) To impose the liability to punishment on all persons who, not being themselves mentally-defective, etc., unlawfully commit such acts with or upon those who are certified, and in the case of those who are not certified wherever the accused fails to satisfy the court or jury that he or she had reasonable cause to believe, and believed, that the outraged person was not mentally afflicted so as to be subject to disability or was not otherwise disabled from consenting and did in fact consent to the commission of the acts charged.

II.—AS TO PARAGRAPH 809 AND PART OF RECOMMENDATION VI.

22. I desire emphatically to dissociate myself from the statements and suggestions contained in this Paragraph concerning the relative positions of the Lord Chancellor and the Home Secretary, but I concur with the Commission in refraining from making a Recommendation thereon.

The paragraph does not present to my mind an accurate idea of the functions of the Home Office and the Lunacy Commission under the Lunacy Act.

The character and importance of the duties of the Home Secretary are, I think, unduly magnified, and I cannot accept the reasoning or the conclusion based on these premisses.

The suggested *status* of the Board of Control does not appear to me to be clear—but at all events it is not practicable. It is not to be made " a part of the Home Office " and " it is to be detached from the Home Office "—The Home Secretary, however, it is said should appoint the Board, " because the official who is ultimately responsible for the work should appoint the persons who are in turn responsible to him." He is to represent the Board in Parliament and be expected to explain and defend its policy. A position at once of detachment and of subordination I am unable to understand. If the Board is to be detached and have a " a policy " of its own it is not easy to see how the responsibility of the Home Secretary for it comes in.

23. No suggestion has been made that the present or any previous Lord Chancellor has failed or been wanting in the discharge of his duties in respect of lunatics or has made improper appointments of Lunacy Commissioners ; on the contrary, the evidence clearly shows the exceeding vigilance and anxious care with which those duties have been performed. It is true that, in 1828, the Home Secretary was for three years empowered to appoint annually, for the Metropolitan area, fifteen Commissioners for licensing and visiting lunatic asylums within the City of London and Middlesex and 7 miles thereof, but this in no respect interfered with, or curtailed the jurisdiction of the Lord Chancellor. The statute was an experiment. In 1831, however, a Bill was brought by private Members, two of whom were Commissioners, appointed by the Home Secretary in 1828 into the House of Commons, to continue and in some ways

Hansard 1831, Vol. VI., p. 448. Vol. VII. pp. 603, 877.

to extend the provisions of the Act of 1828. Upon this Bill reaching the House of Lords, it was stated by Lord Kenyon in moving amendments to substitute the Lord Chancellor for the Home Secretary that "originally the Commission was placed under the control of the Home Secretary and although the duty had been as well done by the Home Secretary as it could be done by a person in that situation, it was found expedient to make some change in the constitution of the Commission and it was thought for obvious reasons that the control should be vested in the Lord Chancellor." It was considered by Lord Chancellor Brougham that the Bill would effect a desirable improvement if it brought matters of lunacy more immediately than they were by the former law under the superintendence of the Great Seal. He thought it most proper that a near connection should subsist between the Lord Chancellor for the time and the Commissioners of Lunacy and he approved of the amended Bill which brought the superintendence of those cases immediately under the House and the Great Seal.

Upon these amendments returning to the House of Commons for consideration, on a Motion being made to disagree with the Lords' Amendments, the Attorney-General and the Solicitor-General supported the Amendments and urged the transfer of the affairs of lunatics to the Lord Chancellor, who was the admitted guardian of that unfortunate class of person. On the other hand, it was suggested that the control by the Home Secretary's office during three years had been made at the request of, and for the convenience of, the Lord Chancellor, presumably Lord Lyndhurst. It was suggested by one speaker that the Lord Chancellor could not give sufficient attention; by another that the superintendence of these unhappy persons should be placed in the Home Secretary's hands as being a matter of police; and by another, that the appointments should rest with the Home Secretary, with whom, at all times, the Commissioners could have free communication, which they could not have with the Lord Chancellor, and, on a division this was carried by a majority of eleven, the figures being sixty-six to fifty-five, and a Committee was appointed to confer with the Lords. Sir R. Peel, who had between 1828 and 1830 served at the Home Office, supported the attempt to hold the appointment for his former office.

In 1832 the Bill was again introduced into the House of Commons by private Members, two of whom were Commissioners appointed by a Home Secretary, leaving the appointment of Commissioners in the hands of the Home Secretary. Upon its going to the House of Lords it appears, by the Journals of the Houses of Parliament, that amendments transferring the control of matters provided for by the Statute of 1828 to the Lord Chancellor, were agreed to by the Commons, and no trace is to be found of any further attempt at that time to differ from the House of Lords.

This, so far as I can ascertain is the solitary instance, and that an unsuccessful one, of a proposal in Parliament to limit the jurisdiction of the Lord Chancellor in relation to lunatics or to restrict his selection of Commissioners. It was, of course, quite natural for appointees of a Home Secretary to struggle for the continuance of his patronage, and it was even more so when they were doubtless smarting under the public censure administered in Court by the Lord Chancellor "for their presumption and undue interference with the authority of the Court."

Hansard, 1831, Vol. II, p. 915

24. In 1845, the Lunacy Act, establishing a permanent Lunacy Commission, was passed giving the appointment of its members as previously to the Lord Chancellor, and imposing the obligation to report to him, and giving him powers which have been continued and extended by various Statutes up to the present time.

25. I can find no Recommendation by any Royal Commission or Select Committee since 1845 recommending that any one should take the place of the Lord Chancellor. I look in vain to the evidence adduced before us, for any testimony which in my opinion would justify the displacement of the Lord Chancellor from the position which he has held in the Lunacy Acts since 1832, although certainly the Assistant Under-Secretary of State for the Home Department, with laudable Departmental ambition and *esprit de corps*, gave

Vol. IV., 33,404.

his opinion that it would be a great improvement if the Lunacy Commission could be put under the Home Office in the sense of its being a sort of sub-department, and if the selection of the Commissioners was taken away from the Lord Chancellor and given to his chief. On fuller consideration, however, he thought that as the duties of the Lunacy Commissioners towards the Royal Courts of Justice would be very important, it might be considered reasonable that the Lord Chancellor should appoint some of them. *Id.* 33,410.

At present the Lord Chancellor appoints the Masters in Lunacy from barristers of not less than ten years standing, and the legal Commissioners from practising barristers of not less than five years standing. The holding of inquisitions by masters affects interests of persons and often also property interests of great value. The duties of legal members of the Board of Control will be so closely associated with the High Court and of so judicial a character that it is manifest that the Lord Chancellor should be responsible. It is true the Home Secretary submits the names of Recorders to the Sovereign to appoint, but his own appointing power at present does not extend to offices of the dignity and importance mentioned and not even to Metropolitan police magistrates.

26. The question who should be head authority for the care and protection of those who it is held by us have the same claim upon the protection of the Sovereign—the *parens patriæ*—as idiots and lunatics have always had, is an important question. It seems to me most fitting that the highest Temporal officer of the realm, should in this matter continue to be the deputy to represent the Sovereign, Removed from constant personal contact with Party politicians in the House of Commons, the Lord High Chancellor is freer from the Party claims for patronage than a more political and less powerful officer. From his legal attainments he is able to consider and promote legislation for the benefit of helpless people who cannot clamour for it, and being invariably a very influential Cabinet Minister he is in a position to influence its progress. With a staff of officials at his disposal, to conduct visitations, described by Lord Westbury as " the eyes and ears of the Chancellor," he can readily obtain information and opinion concerning any person whose affairs he may have reason to believe require investigation. Without the calls upon his time, which are consequential upon Parliamentary and Departmental prominence, he is able to devote to the work energy which experience proves has usually been born of sympathy. Hansard, 1830, Vol. I., p. 1342. Hansard, 1831, Vol. II., p. 838.

For seventy-five years and upwards the Lord Chancellor has appointed the Commissioners and has been receiving annual reports from them, and every month he has had communications from his own visitors reporting in the course of each quarter on all lunatics specially under his charge. These reports, we have been told, by one whose testimony extends over twenty-eight years in the service of several Lord Chancellors, are carefully read and directions are given by the Lord Chancellor, who it also appears is almost daily resorted to by patients in their own interest, whether they are under the control of the Commissioners or not. Sir K. Muir Mackenzie, Vol. IV., p. 392.

27. It must not be forgotten that the public mind has in past times been occasionally disturbed by agitation concerning the improper detention and treatment of insane persons, or persons alleged to be insane, and the present quietude, I think, is in no small part due to the care with which the Lunacy Commission was devised, principally by the late Earl of Shaftesbury, and with which its administration has been conducted. It is probably also owing to the opportunity of access by all insane persons and their friends to the personal attention and influence of so exalted a person as the Lord High Chancellor that there now exists a contentment which would not exist if the authority so long exercised should be removed from him or be placed in the hands of a more actively political officer.

Whatever feeling has in the past arisen with reference to the supposed improper detention of lunatics, it may safely be predicted that a stronger and more widely spread feeling would soon arise when a larger number of persons suffering from a lesser degree of mental defect are subjected to detention unless the utmost care is taken.

The public will not be and ought not to be satisfied to give the power to incarcerate and detain their feeble-minded relatives to the paid servants of any public office however experienced and honourable, unless they are assured that no political or such like considerations have entered into their appointments. The Board of Control, moreover, if it is to enjoy public confidence, must not be merely a "home of rest" for worn-out wire pullers, or a haven of repose for exhausted civil servants.

28. I have not the advantage of the official experience in the working of the Home Office possessed by some of my colleagues, and so it is with regret and diffidence that I venture to convey my own views, which unfortunately do not accord with theirs. I confess I do not at all agree with the suggestion that the Home Office is, or should be, responsible for the administration of the Act of 1890 in the ordinary sense of the word. Whatever duties the Home Office has, I do not see that the Lunacy Commissioners are subject to it. The relative position of the Lord Chancellor, the Home Office, and the Lunacy Commissioners was well described in the evidence given before the Select Committee on Lunacy Law in 1877 by Lord Shaftesbury (Report, p. 551.)

> *Question.*—Of what department are the Lunacy Commissioner's officers; are they officers of the Home Department or of the Local Government Board, or of the Lord Chancellor?
>
> *Answer.*—They are an independent board; they are not subject either to the Home Office, or to the Local Government Board, and they are only subject to the Lord Chancellor to the extent that he exercises a general supervision over lunatics, and has the appointment of the Commission.
>
> *Question.*—The Home Office has the control over County Lunatic Asylums and so has the Local Government Board?
>
> *Answer.*—The Home Secretary would have a control over us of course, as a man of high authority, but there is no official or statutory control. We do not report to him; he does not interfere with our proceedings; we never think of referring to him. In all county matters relating to county expenditure and so on, he refers to us for our opinion; all the plans for buildings, and everything of that kind. and if any controversy arises he generally refers it to us. To that extent we are in connection with the Home Office, but he has no jurisdiction over us beyond that which belongs to his high office.

29. Although the Act of 1890, in some matters, changed the previous law, I cannot see that any subordination of the Lunacy Commissioners to the Home Office has been imposed upon them, and although there is an obligation on the Commissioners to make, on special request, certain reports and visitations, I do not find that the Home Office can, under the Act, require anything from the Lunacy Commissioners beyond visitations, reports and information. I would point out that in the scheme recommended here no subordination is really involved in the duties of the Board of Control.

30. Any argument for establishing the subordination of the Lunacy Commission to the Home Office, or I might say its annexation by the Home Office, I think, must be based on a misapprehension of the functions of the Home Office under the Lunacy Act, 1890. It by no means follows that the control of local authorities in a few matters should give the right to the Home Office to create and control the independent body that is to look after the interests of the patients and advise the local authorities. The two spheres are distinct, and I confess I cannot follow the reasoning that the Home Secretary should have the right to appoint the Commissioners and should represent the Board in the House of Commons, and be expected to explain and defend their policy when, at the same time it is pointed out that the Board of Control should not be made a part of the Home Office. If the Lunacy Commission, as reconstituted, is to remain a detached and independent body without any administrative, compulsory or spending powers or any subordination to the Home Office, I cannot see why the Home Office should represent "its policy" in Parliament. It requires no representative. It has no "policy." It is, and is to be, an

advisory body only, and it is not for the Home Office, or any other Department to defend it for giving such advice as it offers. The Home Secretary could not justly be made responsible for the opinions of this detached body and perhaps he would not agree with their views, and could not, therefore, be expected to defend them efficiently. Whether or not a Member of Parliament should be allotted to represent the Board of Control in the House of Commons, as at present is the case with regard to the Ecclesiastical Commissioners and the Charity Commissioners respectively, is a matter upon which opinions may be divided. For my own part, I think that an Honorary Commissioner might well be invariably selected to be their mouthpiece, if necessary, in the House of Commons. The main matters on which the affairs of the Board would be likely to come before Parliament would be with reference to the salaries of its paid Members and its expenses which have been supported on the estimates hitherto by the Home Secretary. As a matter of fact since 1845 I believe there have only been a very few years when there have not been Honorary Lunacy Commissioners with seats both in the Lords and Commons, and hardly ever when the Lunacy Commission was entirely unrepresented.

I cannot trace in the evidence anything to justify the inference that the independent constitution of the Lunacy Commission should be changed. The existence on the Board of several Honorary Members distinguishes it from other bodies such, for instance, as the Prison Commission, which consists entirely of salaried members subordinate to the Home Office, appointed on Civil Service terms. One great object in appointing honorary members is to give an assurance to the public that mental defectives, who are not criminals will be supervised by competent fearless independent persons—responsible to no department and free from official direction and control—persons who are bound to make public reports, criticising if necessary even a Department of State and its highest officers.

31. In 1845 when the Permanent Lunacy Commission was established, it was carefully designed that the Commissioners who had to carry out the duties of inspection should be placed in an entirely independent position, and should be subject to no incentive to yield to popular outcry. They were appointed to serve during their good behaviour, and not for a term of years nor at the will of a Minister. After the first appointments which were made by Parliament itself their successors were to be selected by the Lord Chancellor. Moreover, in order still more to secure the independence of the Commission, the appointment of honorary Commissioners during good behaviour was made one of its features. They represent, apart from technical knowledge and experience, the general common-sense of the public, and afford a security that professional hobbies and experiments will not be introduced into the administration of asylums and institutions under their supervision, and that officialism shall not reign supreme.

32. The position of the unpaid or honorary Commissioners has been more than once the subject of consideration by Commissions and Committees.

In his evidence before the Select Committee of the House of Commons on Lunatics in 1859, Lord Shaftesbury said: —

"They were to have powers pretty nearly co-ordinate with the rest of the Commissioners, to go upon visitations in lunacy, and to take part in all the business of the commission; but what are called the statutory duties, that is, the necessity of visiting—which necessity or duty in the metropolis is imposed exclusively upon the professional Commissioners—these statutory duties must be performed by a medical man and a legal man, in conjunction. The lay element was considered to be of very great importance indeed, in the working of the commission, and I can say, from very long experience in this matter, that the non-professional element, not only upon the commission, but among the visiting magistrates in the country, and in every possible department relating to the care and treatment of lunatics, is of the most indispensable importance, and without it I am quite certain that the whole system of the management of lunatics would fall into the greatest disorder, and we should relapse into many of the errors from which we have been extricated."

33. At the time of giving his evidence before the Select Committee on Lunacy Law in 1877, when Lord Shaftesbury had been on the Commission thirty-two years, it does not appear that he had reason to suggest any change. I think that the importance of having unpaid Commissioners is as great now as

it was in 1859 when the opinion which I have just quoted was given. I think it is desirable that the Chairman should continue to be an unpaid Commissioner. The Commissioners at present have to elect a permanent chairman, being a member of their body and not being a paid Commissioner. In Scotland, there is also an unpaid Chairman of the Commission. I see great advantage in providing that the Chairman should not be of the purely official class. The initiative of much in the office depends upon him. He can bring new ideas, and fresh energy to the work beyond anything which can be expected from ordinary salaried officials, however good. A person who is content to spend his life in ambitionless routine, with a pension for its goal, cannot often be credited with the power to originate or the enthusiasm to carry out great schemes for social betterment. I am disposed to think that the selection of Chairman should be made by the Lord Chancellor and not by the Commissioners. It can hardly be denied that since Lord Shaftesbury's influence was withdrawn, the Lunacy Commission has not increased the reputation earned in his day. Unpaid members have been appointed since he left, but their interest seems to have lessened in the work which is practically now left to the six paid members only. The result, as I find it, is that the Commission is not as energetic and powerful as it was. We were told by the Lord Chancellor's Secretary that since 1898 the unpaid Commissionerships, numbering five, have not been fully filled up, and we were also informed that the opinion of the existing Commissioners is rather varied on the matter of filling up the appointments, though applications had been made to the permanent Secretary of the Lord Chancellor with a view to filling them up. All the Honorary Commissioners should, I agree, be appointed for a term of years, and be eligible for re-appointment.

I am not satisfied that there has been any serious attempt to fill them up by the introduction of persons previously unassociated with the Commission. To my mind fresh blood is of the utmost importance. It has been the practice too often for a Secretary to be promoted to the office of Commissioner and upon retirement from serving as a Commissioner for him to become an honorary Commissioner.

Of the last eleven legal Lunacy Commissioners appointed, I believe, seven had previously served as secretaries to the Commission, and out of twenty-two Honorary Commissioners appointed since 1845, no less than seven have been paid Commissioners. Valuable, no doubt, as it is to have continuity of knowledge and experience in an office, it is worthy of consideration whether, in future, greater variety may not be introduced with advantage. I think that retirement from the office of paid Commissioner should involve complete official severance.

Notwithstanding this criticism I am convinced that the excellent selection of the Commissioners hitherto is of itself a justification for leaving the appointment with the Lord Chancellor. It would be impossible to find more accomplished, considerate, high-minded Commissioners than those at present in office, and I think that it would be a grave public misfortune to diminish their dignity and independence by turning them or their successors into a mere branch of a Department to be appointed and removed by the head of their office.

34. Instead of the Home Office being made the central authority in connection with mentally defective persons, I venture to think that the Local Government Board would be more suited to be associated with the Lunacy Commissioners. It must be remembered that at the great epochs of lunacy legislation, viz., in 1828, 1832, and 1845, the Local Government Board was not in existence. Its position has developed largely during the last few years and at present it has important duties to discharge in connection with the finances of local bodies. If economy and efficiency are to be sought for, the vigilant observation and control of the purse are essential. Various schemes which the local authorities have in view, and for which they require loans, are known to the Local Government Board, who can estimate the relative urgency in each locality of the various projects which are in contemplation. The Local Government Board is familiar with assessable values and pecuniary resources.

For duties connected with sanitation, real property and the construction and maintenance of works of various kinds, the Local Government Board is better equipped than any other public department. Whatever building or construction work has to be done, it has the best means of forming an opinion upon the sufficiency (or efficiency) of what may be proposed.

As regards the approval of plans, etc., for the works of local authorities I cannot see that the Home Office has any concern, whereas the Local Government Board is interested in it, and has a staff of experts, engineers, medical advisors, and an architect. The Home Office has not the same amount of assistance. The Local Government Board, moreover, has before it the reports of the medical officers of health in the localities.

There is much to be said for the view of Mr. Davy that the Home Office has "nothing to do with it really. The Home Office originally seems to have been brought into the matter because it had to do with the Justices of the Peace, who were then the local authority. The same reason which led to the Home Office being selected in those days would be a reason for making the Local Government Board responsible now." The suitability of the Local Government Board has been urged by other witnesses.

Vol. IV., p. 354.

Vol. II., Index title: Authority for Care of Feeble-minded. Vol. IV., Index title: Local Government Board.

35. I consider that the Lunacy Commission so long as it lasts (and the Board of Control if it comes into existence) should be an absolutely detached independent advisory body—not controlled by or subordinate to any Department, and able as at present fearlessly to report what they deem right about any Department. I prefer that the duties of the various high functionaries concerned should remain as at present. The Lord Chancellor should continue head over all. The Home Office should still be the protector of certain public interests with executive powers to enforce the performance of their duties by local authorities. The Local Government Board should still watch over the interests of ratepayers, while the Lunacy Commissioners or Board of Control, as an independent consultative and advisory authority, should still act as the guardians of the patients, and claim for them from local authorities and see that they receive all the benefits which the law allows.

III.—AS TO SCOTLAND AND IRELAND.

The remarks I have made are intended to relate so far as applicable to Scotland and Ireland.

IV.—AS TO RECOMMENDATION XLI.

36. I am unable to concur with this Recommendation. It involves the subject of Local taxation, which in my opinion was not submitted by the Warrant for the consideration of this Commission nor was the apportionment of State aid towards the care and control of mentally defective persons a subject on which I think we have received much (if any) assistance from the oral evidence.

The first suggested scheme it may be remarked is not in accordance with the Report of the Majority of the Royal Commission on Local Taxation. It is taken from the separate Recommendation of Lord Balfour of Burleigh and Lord Blair Balfour. Although Sir E. Hamilton, and Sir G. Murray joined in recommending its adoption they explained that: "As it bears a somewhat complicated appearance they desired to offer their own explanations of it and to support it with some illustrations," while two other members of that Commission who "would not reject it as a possible ultimate solution of the problem," added that "the novelty and the obscurity of so much of the scheme as relates to the distribution of the proposed relief made it in their opinion necessary that it should be subjected to the test of public discussion."

The second suggested scheme is only one of sundry plans that might be proposed, and is by no means the only alternative to the first scheme. In addition to the present Exchequer contribution it contemplates the making of a fresh grant of the sum which the "Board of Control" should certify to be equal to "one-half of the cost properly incurred" in providing for a greater number of mentally defective persons and epileptics not mentally defective than

were provided for on January 1st, 1908. This is open to the objection that it would leave the amount of the annual Exchequer contributions for this purpose to be fixed by the "Board of Control" and not by Statute nor by the Government Department charged with the responsibility for finance. Moreover, it deals with the question as if it was an isolated matter, and as I think without sufficient regard to the general principles and considerations which should be applied in determining how relief to local rates should be provided, distributed and paid. I do not find any evidence to justify "fixing one half the cost" as the proper proportion on which to base the grant of state aid.

As I regard the question: "How Exchequer contributions should be distributed?" as outside the matters referred to us, I refrain from offering any suggestion, though I differ from the schemes which are here recommended.

V.—AS TO RECOMMENDATION XCII.

37. I am unable to concur in this Recommendation which relates to the removal of disability to exercise franchise rights by reason of the receipt by a voter of assistance for mentally defective members of his family. The subject of the political privileges of the *relatives* of mentally defective persons might suitably be considered in connection with general measures concerning the representation of the people, when the exercise of the franchise at all events by certified mentally defective persons might also be considered, but it does not appear to me to bear closely enough on the "care, training and control of the feeble-minded" to have a place in these Recommendations, or to be dealt with in this Report.

(Signed) HENRY DAVID GREENE.

MEMORANDUM BY THE REV. H. N. BURDEN.

I am in complete agreement with the Report as a whole. But I should like to give prominence to the need for economy in and strict Government control over the establishment of institutions for the reception of mentally defective persons.

The cost of establishment of institutions for mentally defective persons not requiring special medical treatment should not cost the ratepayer anything approaching the amount expended on present day-asylums. The erection of institutions at an expenditure involving the payment of 8s. to 10s. per bed per week for interest, repayment of loans, and such-like charges alone should, I am convinced, be wholly a thing of the past.

I am of opinion that the cost of building an institution for the mentally defective (other than for "persons of unsound mind") should never exceed £150 a bed, and for many of the classes of the mentally defective suitable provision can be made at a cost not exceeding £100 a bed.

(Signed) H. N. BURDEN.

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MEMORANDUM BY MR. W. H. DICKINSON, M.P.

I am in accord with the Recommendations of the foregoing Report with one exception. I do not agree with Recommendation XLIV. The effect of this Recommendation if carried out would be to distribute duties relating to the care of the mentally defective amongst no fewer than three central departments, viz.: The Board of Control, the Home Office, and the Local Government Board.

In my opinion this multiplication of central authorities will prove to be very objectionable. It will delay and hamper the efforts of the county councils if they have to satisfy three distinct boards in London, and it will, moreover, tend to lessen the feeling of responsibility entertained by each of those central authorities below that which one body would exhibit if charged solely with these duties.

I therefore recommend that the Board of Control should be charged with all duties of a central character arising under the proposals of this Report, and that in order to ensure the ultimate control of Parliament over its proceedings the Board should be appointed by and directly responsible to the Secretary of State for Home Affairs.

(Signed) W. H. DICKINSON.

I concur in the above Memorandum.

(Signed) H. B. DONKIN.